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paragraph. (41 Stat. 765; 10 U.S.C. 42) [Par. 10d AR 600-750, 30 Sep. 1942 as amended by C 11, 9 Mar. 1945]

[SEAL] J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 45-4186; Filed, Mar. 16, 1945;  
9:21 a. m.]

#### TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency  
[Docket No. FDC-35 and 35 (a)]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

##### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act as amended (Sec. 506, 55 Stat. 851; 21 U.S.C. 356, 1941 Supp.), each of the sections hereinafter specified of the regulations for the certification of batches of drugs composed wholly or partly of insulin (8 F.R. 11837) is hereby amended as indicated below:

1. Section 144.1 (b) is amended to read:

(b) The term "insulin U. S. P." means the insulin injection recognized in the United States Pharmacopoeia, Twelfth Revision, and First U. S. P. XII Bound Supplement.

2. Section 144.2 is amended:

A. By changing paragraph (d) (7) to read:

(7) If the batch is to be protamine zinc insulin, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. Units of insulin.

B. By inserting after "hydrochloric acid," in paragraphs (d) (9) and (d) (10) "glycerin."

C. By inserting after "(e)" in paragraph (e) (9) "or (f)".

D. By adding the following sentence to paragraph (g) (1):

No sample referred to in paragraph (d) (9) of this section and no result referred to in paragraph (e) (9) of this section is required if the batch is to be globin insulin (with zinc) of 80-unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (9) of this section of 40-unit strength, prepared from the same materials and in the same manner as such batch of 80-unit strength is to be made.

E. By changing paragraph (k) to read:

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (10) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch; except that approval of the Commissioner shall not be required for the material represented by the sample which is submitted under the requirements of paragraph (d) (3). In case of a refusal to approve, the Commissioner shall state his reasons therefor.

3. Section 144.7 (c) is amended to read:

(c) The outside containers or wrappers of the packages, and the labels of

the immediate containers, of each strength of globin insulin (with zinc) shall be distinguished by the following colors:

Red and brown, if it contains 40 U. S. P. Units of insulin per cubic centimeter;

Green and brown, if it contains 80 U. S. P. Units of insulin per cubic centimeter.

4. Section 144.12 is amended:

A. By changing the second sentence to read:

The quantity of insulin used is such that each cubic centimeter of the finished product contains either 40 or 80 U. S. P. Units of insulin.

B. By changing the seventh sentence to read:

The finished preparation also contains not less than 1.30 and not more than 1.70 percent (w/v) glycerin, and not less than 0.15 and not more than 0.20 percent (w/v) cresol U. S. P., or not less than 0.20 and not more than 0.26 percent (w/v) phenol U. S. P.

5. Section 144.13 is amended:

A. By redesignating paragraphs (f) to (p) inclusive, respectively to (g) to (q) inclusive.

B. By substituting for the last sentence of paragraph (b) (6) the following:

The preparation tested is satisfactory if the index for each bleeding time except the last is between 0.92 and 1.08 and the average of all the indexes except the initial is between 0.95 and 1.05.

C. By changing paragraph (c) (2) to read:

(2) In the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of all the indexes except the initial is between 0.90 and 1.10.

D. By amending paragraph (e) as follows:

a. By changing the title to read: "Biological reaction for globin insulin (with zinc) containing 40 U. S. P. Units of insulin per cubic centimeter."

b. By substituting "40" for "80" in the first sentence of subparagraph (1) and by changing the descriptions of Solution 1 and Solution 2 to read as follows:

*Solution 1.* Dissolve 0.299 gram zinc oxide in 125 cubic centimeters of approximately tenth-normal hydrochloric acid. Add 30 grams glycerin, 3.5 grams cresol (or 4.6 grams phenol) and sufficient distilled water to make the final volume 1,000 cubic centimeters.

*Solution 2.* Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in such quantity of Solution 1 as to obtain a concentration of 80 U. S. P. Units of insulin per cubic centimeter. If necessary, add 1 drop of hydrochloric acid to effect complete solution. Store in a refrigerator; do not use after 3 months from the date of preparation.

By changing subparagraph (4) to read:

(4) *Conduct of the test, blood sugar determination, and interpretation of the data.* Proceed as directed under paragraph (b) (4), (5) and (6) of this section for protamine zinc insulin, except that the samples of blood for the deter-

mination of blood sugar concentrations are obtained over a period of not less than 10 hours, instead of 11 hours, after the injection, and in the interpretation of the data the index for each bleeding time other than the last is between 0.88 and 1.12 and the average of all the indexes except the initial is between 0.92 and 1.08.

E. By inserting a new paragraph (f):

(f) *Biological reaction of globin insulin (with zinc) containing 80 U. S. P. Units of insulin per cubic centimeter.* Globin insulin (with zinc) containing 80 U. S. P. Units of insulin per cubic centimeter is tested according to the method prescribed in paragraph (e) of this section for the assay of globin insulin (with zinc) containing 40 U. S. P. Units of insulin per cubic centimeter except that the globin insulin (with zinc) reference material is so prepared as to contain 80 U. S. P. Units of insulin per cubic centimeter with zinc and globin in the same relative proportions per unit of insulin as specified for the globin insulin (with zinc) reference material in paragraph (e) of this section.

The foregoing amendments shall become effective on the date of the publication of this order in the FEDERAL REGISTER.

Dated: March 14, 1945.

[SEAL] WATSON B. MILLER,  
Acting Administrator.

[F. R. Doc. 45-4230: Filed, Mar. 16, 1945;  
11:55 a. m.]

Sec.	
602.657	Maximum amounts of solid fuel that a retail dealer may deliver to a domestic consumer.
602.658	Rules governing retail dealer deliveries of solid fuel to domestic consumers.
602.659	Restrictions upon the receipt and use of solid fuel by domestic consumers.
602.660	How domestic consumers who need solid fuel may obtain assistance.
602.661	Deliveries to and receipts by industrial consumers of bituminous coal and anthracite.
602.662	Limitations upon the applicability of this regulation.
602.663	Records.
602.664	Audit and inspection.
602.665	Violations.
602.666	Evasion prohibited.
602.667	Damages for breach of contract.
602.668	Application for modification and exception.
602.669	Official interpretations.

AUTHORITY: §§ 602.650 to 602.669, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WFB Directive 33, as amended, 9 F.R. 64; sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827.

§ 602.650 *Where this regulation applies.* This regulation applies to certain deliveries and receipts of solid fuel within the following areas: the District of Columbia; all States east of the Mississippi River; the States of Iowa, Louisiana, Minnesota, North Dakota and South Dakota; and the City of St. Louis and St. Louis County, Missouri. It applies to deliveries and receipts of solid fuel within these areas, no matter where the solid fuel is produced.

§ 602.651 *Brief statement of what this regulation provides.* Deliveries to a domestic consumer and a domestic consumer's receipts from a retail dealer of solid fuel within the areas named in § 602.650 are generally limited (i) during the period April 1, 1945-March 31, 1946, to 80 percent of the normal annual requirements of such consumer and (ii) during the period April 1, 1945-August 31, 1945, to 50 percent of such requirements. Deliveries of solid fuel by a retail dealer to a domestic consumer are prohibited unless the consumer has filed a Consumer Declaration with the retail dealer.

This regulation also obligates each retail dealer to deliver by October 1, 1945 to each domestic consumer he served last year at least 30 per cent of such consumer's normal annual requirements, and to deliver by March 31, 1946 generally 80 per cent of such requirements, if the consumer promptly files a Consumer Declaration and places an order with the retail dealer and is ready, able and willing to accept delivery of any usable solid fuel offered by the retail dealer on terms agreeable to the consumer and the retail dealer.

NOTE: This regulation does not prohibit a retail dealer from accepting a Consumer Declaration filed by a domestic consumer for a house or building not regularly supplied by him last year and from delivering solid fuel to such consumer. However, no retail dealer should undertake to supply more solid fuel than will be available to him pursuant to SFAW regulations and according to the advice he receives from his suppliers. Deliveries to and receipts by retail

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 26]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### LIMITATION OF DELIVERIES TO AND RECEIPTS BY CONSUMERS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of solid fuel for defense, for private account and for export; and this regulation is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

602.650 Where this regulation applies.  
 602.651 Brief statement of what this regulation provides.  
 602.652 Definitions.  
 602.653 Prohibition of retail dealer deliveries of solid fuel to a domestic consumer unless a Consumer Declaration has been filed.  
 602.654 How the normal annual requirements of a domestic consumer shall be determined.  
 602.655 Extent to which a retail dealer must supply solid fuel to a domestic consumer at a house or building regularly supplied by him.  
 602.656 Extent to which a retail dealer may or must supply solid fuel to a domestic consumer at a house or building not regularly supplied by him.

dealers of solid fuel are governed by SFAW Regulation No. 27 (bituminous coal), SFAW Regulation No. 28 (anthracite) and SFAW Regulation No. 29 (coke, briquettes and processed fuel). Retail dealers are cautioned that they will not obtain more solid fuel than they are entitled to receive under those regulations in order to meet the requirements of domestic consumers not regularly served by them last year, the requirements of industrial consumers, or inflated requirements of domestic consumers regularly served by them last year.

Domestic consumers should note that they can best assure themselves of securing a fair share of the limited supply of solid fuel available for domestic consumers if they file their Consumer Declarations and place their orders as promptly as possible after April 1, 1945 with the retail dealers who regularly supplied their houses or buildings last year.

This regulation also places some restrictions upon retail dealer deliveries to industrial consumers and industrial consumer receipts from retail dealers of bituminous coal and anthracite.

**§ 602.652 Definitions.** (a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(b) "Solid fuel" means any form of bituminous, subbituminous and lignitic coals; anthracite and semi-anthracite; processed fuel, such as Carbonite, Solarite and Disco; coke; and briquettes and packaged fuel (containing any of the foregoing solid fuel, or petroleum carbon). "Anthracite" means any size whatsoever of that coal generally referred to as "Pennsylvania anthracite" produced or prepared in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna and Wayne. "Coke" means coke that is produced in whole or in part from bituminous coal (including reclaimed by-product, reclaimed beehive and run-of-oven beehive coke) and coke that is produced from petroleum.

(c) "Less scarce solid fuel" means No. 2 buckwheat (rice) anthracite, semi-anthracite produced in the Bernice region of Pennsylvania or the Richmond basin of Virginia, reclaimed beehive coke, run-of-oven beehive coke, bituminous coal produced in Colorado, Iowa, Michigan, Montana, Utah and Wyoming, and lignite.

(d) "Uncontrolled solid fuel" means No. 3 buckwheat (barley) anthracite and smaller sizes of anthracite. "Uncontrolled solid fuel" is not subject to any of the provisions of this regulation.

(e) "Scarcer solid fuel" means any solid fuel except "less scarce solid fuel" and "uncontrolled solid fuel."

(f) "Retail dealer" means any person (including the retail outlet, branch or department of one who is also a producer, wholesaler or commercial dock operator) to the extent that he delivers or otherwise disposes of solid fuel physically handled in a truck, wagon or other less-than-carload facility, without regard to quantity or frequency of delivery.

(g) "Domestic consumer" means (1) any person (public or private) to the extent that he acquires solid fuel for any use in any house, apartment house, ho-

tel or other dwelling; or (2) any person (public or private) to the extent that he acquires solid fuel for any use in any of the following buildings: schools, churches and meeting houses, courthouses, prisons, police or fire stations, libraries, museums, banks, offices or office buildings, stores and retail or service establishments of any kind (except commercial bakeries or laundries), passenger terminals and depots (airplane, railroad, trolley, bus, ship, or ferry), warehouses, garages, restaurants, taverns or bars, gymnasiums, auditoriums, theatres, club or lodge houses or rooms, places of amusement, dancing studios, zoos, stables and kennels; or (3) any person (public or private) to the extent that he acquires solid fuel for a building or plant not specifically referred to above in this paragraph, if the entire amount of solid fuel used at such building or plant is used for space heating, the domestic heating of water, or domestic cooking. Some persons who are domestic consumers within the meaning of this paragraph are not covered by this regulation. (For example, see § 602.662 (a), (c) (1) and (c) (2)). Some persons who are domestic consumers within the meaning of this paragraph are covered only by special provisions of this regulation. (For example, see § 602.662 (c) (4) concerning hospitals and homes for the infirm.)

(h) "Industrial consumer" means any person (public or private) who consumes solid fuel to the extent that he is not a domestic consumer. Many persons who are industrial consumers are not covered by this regulation. (For example, see § 602.662 (a), (b) and (c) (3).)

(i) "Normal annual requirements" mean the number of tons of solid fuel that a domestic consumer would ordinarily use at a house or building during the year.

(j) "House or building regularly supplied" by a retail dealer means a house or building at which most or all of the solid fuel delivered during the period from April 1, 1944 to March 31, 1945, inclusive, was supplied by such retail dealer either in the normal course of business or pursuant to emergency governmental direction.

(k) "Ton" means 2,000 pounds.

(l) "SFAW" means the Solid Fuels Administration for War.

**§ 602.653 Prohibition of retail dealer deliveries of solid fuel to a domestic consumer unless a Consumer Declaration has been filed.** (a) No retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, deliver to any domestic consumer (except a domestic consumer who receives and customarily has received solid fuel in less than a one-fourth ton lot) any solid fuel unless:

(1) The consumer has filed a Consumer Declaration with the retail dealer.

(2) The retail dealer has the Consumer Declaration in his custody at the time delivery is made, and

(3) The retail dealer has made, in accordance with § 602.654, a determination as to the normal annual requirements of the consumer.

A separate Consumer Declaration shall be filed for each house or building at

which the domestic consumer expects to use solid fuel. A Consumer Declaration for a house or building shall not be filed with more than one retail dealer unless solid fuel for that house or building has customarily been supplied by more than one dealer during the year.

**NOTE:** If a retail dealer has not received from the government by April 1, 1945 a supply of the prescribed Consumer Declaration forms, or if a retail dealer who has been authorized to reproduce Consumer Declaration forms or have them reproduced for him has not, despite due diligence, received a supply of them by April 1, 1945, such retail dealer may deliver solid fuel to domestic consumers notwithstanding the provisions of paragraph (a) of this section. Such a retail dealer shall, immediately after receiving a supply of the prescribed forms, and in no event later than April 15, 1945, obtain Consumer Declarations from such consumers, and he shall record on the backs of the Consumer Declarations the deliveries made to such consumers.

(b) SFAW has prescribed the form of the Consumer Declaration. This form is set forth in Appendix A which is a part of this regulation. Consumer Declaration forms will be furnished to retail dealers by SFAW. Each retail dealer shall furnish a Consumer Declaration form to each domestic consumer for each house or building of such consumer to be supplied with solid fuel by him. No person is authorized to reproduce or change the prescribed Consumer Declaration form without the written permission of SFAW. No retail dealer may, without the consent of the consumer, change any item filled out by the consumer in a Consumer Declaration. Each retail dealer shall record each delivery made to a domestic consumer during the period from April 1, 1945 to March 31, 1946, inclusive, on the back of the Consumer Declaration filed by the consumer.

(c) Statements made by a domestic consumer in a Consumer Declaration, and notations made on the back of the Consumer Declaration by the retail dealer concerning deliveries, shall be deemed to be representations made to SFAW. Each retail dealer shall retain for and on behalf of SFAW the Consumer Declarations filed with him for a period of not less than two years.

**NOTE:** This regulation applies to retail dealers who do not have truck scales and storage facilities with the same force and effect as it applies to retail dealers who do; and, accordingly, retail dealers without truck scales and storage facilities shall not deliver solid fuel to domestic consumers unless Consumer Declarations have been filed in accordance with this section.

**§ 602.654 How the normal annual requirements of a domestic consumer shall be determined.** In order to decide the amount of solid fuel that a retail dealer is required or permitted to deliver to a domestic consumer, it is first necessary to find out what the normal annual requirements of such consumer are. Each retail dealer shall determine the normal annual requirements of a domestic consumer at a house or building on the basis of:

(a) The consumer's estimate of what he would ordinarily burn during a year set forth in Item 3 of the Consumer Declaration filed by the consumer, and

(b) Any facts known or readily available to the retail dealer, including records relating to deliveries to the house or building of the consumer during previous years and the number of rooms to be heated (or, if the retail dealer did not supply the house or building with solid fuel in previous years, records relating to deliveries to domestic consumers at similar houses or buildings).

Each retail dealer is under a strict duty to scale down inflated statements of normal annual requirements made by a consumer in a Consumer Declaration.

**§ 602.655 Extent to which a retail dealer must supply solid fuel to a domestic consumer at a house or building regularly supplied by him.** (a) Each retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, deliver to a domestic consumer the maximum amount of solid fuel permitted under § 602.657 to be delivered by March 31, 1946, if:

(1) Such consumer has promptly filed a Consumer Declaration with the retail dealer and placed an order with him.

(2) The Consumer Declaration has been filed and the order placed for a house or building regularly supplied by the retail dealer, and

(3) Such consumer is ready, willing and able to take delivery of any usable solid fuel offered by the retail dealer on terms agreeable to the consumer and the retail dealer.

**NOTE:** If a retail dealer refuses to supply a domestic consumer with solid fuel at a house or building regularly supplied by him in accordance with paragraph (a) of this section on the ground that such consumer did not promptly file a Consumer Declaration and place an order with him, such consumer may request the nearest SFAW regional representative or area distribution manager to determine whether the retail dealer should be obligated to supply him with solid fuel in accordance with paragraph (a). In making this determination, such representative or manager may consult with the appropriate SFAW area advisory or community committee.

(b) Each retail dealer shall, during the period from April 1, 1945 to September 30, 1945, inclusive, deliver to a domestic consumer solid fuel in an amount that (to the nearest half ton) is not less than 30 per cent of the consumer's normal annual requirements, if:

(1) Such consumer has filed with the retail dealer on or before May 15, 1945 a Consumer Declaration and has placed on order with the retail dealer on or before that date.

(2) The Consumer Declaration has been filed and the order placed for a house or building regularly supplied by the retail dealer, and

(3) Such consumer is ready, willing and able to take delivery of any usable solid fuel offered by the retail dealer on terms agreeable to the consumer and the retail dealer.

**§ 602.656 Extent to which a retail dealer may or must supply solid fuel to a domestic consumer at a house or building not regularly supplied by him.** (a) If a retail dealer has supplied or arranged to supply, or is reasonably certain he can supply, solid fuel to domestic consumers

at houses or buildings regularly supplied by him to the extent required by § 602.655, he may accept a Consumer Declaration filed by a domestic consumer for a house or building not regularly supplied by him.

**NOTE:** Although this paragraph permits a retail dealer to take on new business under certain circumstances, all retail dealers are put on notice that SFAW will not increase retail dealer allocations provided by other SFAW regulations because they have accepted Consumer Declarations from new customers or because they have contracted for new business with schools or government agencies.

(b) If a retail dealer accepts a Consumer Declaration filed with him by a domestic consumer for a house or building not regularly supplied by him, such retail dealer shall deliver solid fuel to such consumer to the same extent as he is required by § 602.655 to deliver solid fuels to a domestic consumer at a house or building regularly supplied by him.

**NOTE:** A Consumer Declaration shall be deemed to have been accepted within the meaning of this section if the retail dealer does not return it to the consumer within thirty days after it has been filed with him.

**§ 602.657 Maximum amounts of solid fuel that a retail dealer may deliver to a domestic consumer.** (a) No retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, deliver scarcer solid fuel to a domestic consumer whose normal annual requirements amount to less than twenty-five tons in an amount which, when added to the amount of such solid fuel received by the consumer from all suppliers after April 1, 1945, exceeds 80 per cent of the consumer's normal annual requirements.

(b) No retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, deliver scarcer solid fuel to a domestic consumer whose normal annual requirements are twenty-five or more tons in an amount which, when added to (1) the consumer's inventory of such solid fuel as of April 1, 1945, no matter where located, and (2) the amount of such solid fuel received by the consumer from all suppliers after April 1, 1945, exceeds 80 per cent of the consumer's normal annual requirements.

(c) No retail dealer shall, during the period from April 1, 1945 to August 31, 1945, inclusive, deliver scarcer solid fuel to a domestic consumer in an amount which, when added to the amount of such solid fuel received by the consumer from all suppliers after April 1, 1945, exceeds 50 per cent of the consumer's normal annual requirements. (In addition to deliveries of less scarce solid fuel, deliveries of No. 1 buckwheat anthracite also, when used in a stoker or magazine feed equipment, shall not be subject to the restriction of this paragraph; nor shall this restriction apply to deliveries to a domestic consumer who consumes all of his solid fuel at a house or building during the period from May 1, 1945 to September 30, 1945, inclusive, or to deliveries to a domestic consumer 80 percent of whose normal annual requirements is three tons or less than three tons.)

(d) No retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, deliver less scarce solid fuel to a domestic consumer in an

amount which, when added to the amount of all solid fuel received by the consumer from all suppliers after April 1, 1945, exceed 100 per cent of the consumer's normal annual requirements. If a retail dealer delivers to a consumer less scarce solid fuel, together with scarcer solid fuel, the amount of the scarcer solid fuel that may be delivered shall not be in excess of the amounts set forth in paragraphs (a), (b), and (c) of this section.

(e) The amounts of solid fuel that may be delivered under the preceding paragraphs of this section may be adjusted to the nearest half ton. For example, if the normal annual requirements of a domestic consumer are 8 tons, by applying the 80 per cent rule, 6.4 tons would be the most that could be delivered; however, under the nearest half ton adjustment permitted by this paragraph, the amount may be increased to 6.5 tons. On the other hand, if the normal annual requirements of a domestic consumer are 9 tons, by applying the 80 per cent rule, 7.2 tons would be the most that could be delivered; however, under this nearest half ton adjustment rule, the amount may be reduced to 7 tons.

**§ 602.658 Rules governing retail dealer deliveries of solid fuel to domestic consumers.** (a) Notwithstanding the provisions of § 602.655 and § 602.656 (b), in making deliveries to domestic consumers who have filed Consumer Declarations with him, each retail dealer shall accord preference to the order of a consumer who has less than a five days' supply of usable solid fuel on hand: *Provided, however,* That this preference shall not be accorded, during the period from May 15, 1945 to September 30, 1945, inclusive, to the order of any consumer who did not file his Consumer Declaration with the retail dealer on or before May 15, 1945: *And provided further, however,* That, in according this preference, no retail dealer shall deliver solid fuel in excess of the amount that he is permitted to deliver to the consumer under § 602.657.

(b) No retail dealer shall discriminate between or among domestic consumers who are equally entitled under the provisions of this regulation to receive solid fuel from him: *Provided, however,* That nothing in this paragraph shall preclude any retail dealer from exercising a reasonable discretion in deciding whether or not to deliver a particular solid fuel to a consumer whose burning equipment reasonably permits the use of another solid fuel if the retail dealer is ready, willing and able to supply the consumer with the other solid fuel.

**§ 602.659 Restrictions upon the receipt and use of solid fuel by domestic consumers.** (a) No domestic consumer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, receive at a house or building any solid fuel from a retail dealer unless he has filed a Consumer Declaration for the house or building.

(b) No domestic consumer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, receive more solid fuel than any one retail dealer is permitted to deliver to him under the

provisions of § 602.657 whether he receives solid fuel from one or more than one retail dealer.

(c) No domestic consumer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, inflate or duplicate his orders for solid fuel.

(d) Each domestic consumer shall conserve solid fuel to the fullest extent possible.

**Note:** In order to conserve solid fuel, each domestic consumer should stop his fires at the earliest possible date this spring and should not begin burning fuel next fall sooner than is absolutely necessary. Each such consumer should keep the temperature at his house or building down to 68° or less and should shut off heat in rooms not in use.

**§ 602.660 How domestic consumers who need solid fuel may obtain assistance.**

(a) A domestic consumer who has received less solid fuel than is permitted by this regulation and who (i) has less than five days' supply of solid fuel on hand, (ii) is unable to obtain a supply of solid fuel from any retail dealer, and (iii) is willing to accept any solid fuel which may reasonably be used in his burning equipment, may obtain assistance from one of the following:

(1) The nearest local representative of any State Fuel Administration functioning under a plan of cooperation for distribution proposed by the Governor of the State and approved by SFAW;

(2) The nearest SFAW Community Committee on Emergency Distribution appointed pursuant to SFAW Order No. 12;

(3) The nearest member of a SFAW Area Advisory Committee on Local Distribution pursuant to SFAW Order No. 12; or

(4) The nearest SFAW regional representative or area distribution manager.

(b) A domestic consumer who is unable to find a retail dealer who will accept a Consumer Declaration and an order from him for solid fuel, may file a Consumer Declaration with any representative, committee, committee member or officer specified in paragraph (a) of this section, who shall thereupon find for the consumer a retail dealer, transmit to the retail dealer the Consumer Declaration of the consumer, and inform the consumer of the name of such retail dealer. Such retail dealer shall deliver solid fuel to such consumer to the extent required or permitted by this regulation.

(c) A domestic consumer may advise with any of the representatives, committees, committee members or officers, referred to in paragraph (a) of this section, in regard to any complaint as to the operation of this regulation.

**§ 602.661 Deliveries to and receipts by industrial consumers of bituminous coal and anthracite.** (a) No retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, undertake to deliver, or deliver bituminous coal or anthracite to any industrial consumer if he will thereby impair his ability to fulfill his obligation under this regulation to deliver solid fuel to domestic consumers at houses or buildings regularly supplied by him.

(b) No industrial consumer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, receive during any month from any retail dealer bituminous coal or anthracite in an amount which, when added to the amount of such coal received from all suppliers during the month, is more than such consumer needs to meet his consumption requirements during the month and to maintain a 30 days' supply of such coal. However, if the amount of coal that an industrial consumer may receive under this paragraph is less than a full truckload, a retail dealer may deliver a full truckload to such industrial consumer.

(c) No retail dealer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, deliver more solid fuel to any industrial consumer than such consumer may receive under paragraph (b) of this section.

(d) No industrial consumer shall, during the period from April 1, 1945 to March 31, 1946, inclusive, inflate or duplicate his orders for bituminous coal or anthracite.

**§ 602.662 Limitations upon the applicability of this regulation.** (a) This regulation does not apply to deliveries by retail dealers of bituminous or subbituminous coal to, or to the acquisition of such coal by, any domestic or industrial consumer who (1) receives 3000 or more tons of such coal a year at a building or plant, and (2) has facilities for storing at least a 15 days' supply of such coal (based on his average daily consumption requirements for the months of December 1944, January 1945 and February 1945).

**Note:** Retail dealer deliveries of bituminous and subbituminous coal to such consumers are governed by SFAW Regulation No. 27. Domestic consumers subject to SFAW Regulation No. 27 may generally receive from April 1, 1945 to March 31, 1946, inclusive, no more than 80 per cent of their normal annual requirements.

(b) This regulation does not apply to deliveries by retail dealers to, and receipts of anthracite by, industrial consumers for use in poultry brooders or hatcheries.

**Note:** Deliveries and receipts of anthracite for such use are governed by SFAW Revised Regulation No. 5 and SFAW Regulation No. 28.

(c) This regulation does not apply to deliveries by retail dealers of any solid fuel to, or to the acquisition of, such solid fuel by:

(1) The War Department, the Navy Department (including the Marine Corps and Coast Guard), Veterans' Administration, Maritime Commission, Foreign Economic Administration (that part formerly Lend-Lease and Office of Economic Warfare), or War Shipping Administration;

(2) All employees of producers of solid fuel living in the vicinity of the mining or colliery operations;

(3) Commercial fishing vessels or water-borne vessels engaged in the commercial transportation of cargo or passengers;

(4) Any person to the extent that he acquires such solid fuel for use in the ordinary operations of a hospital or a home for the infirm: *Provided, however, That no retail dealer shall deliver and no person shall receive for such use, during the period from April 1, 1945 to March 31, 1946, inclusive, solid fuel in an amount which exceeds that needed to meet the annual requirements of the person for such use.*

**§ 602.663 Records.** Each retail dealer shall keep and preserve for a period of not less than two years accurate and complete records of the deliveries of solid fuel permitted or required by the provisions of this regulation and shall also keep and preserve for a period of not less than two years accurate and complete records of the details of any transaction to which any portion of this regulation applies.

**§ 602.664 Audit and inspection.** All records required to be kept by this regulation, including Consumer Declarations kept in the custody of retail dealers for and on behalf of SFAW, shall upon request be submitted for inspection, copy and audit by duly authorized representatives of SFAW.

**§ 602.665 Violations.** Any person who wilfully violates any provision of this regulation or who by any act or omission wilfully falsifies records kept or information furnished in connection with this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both; and any person who violates any provision of this regulation may also be prohibited by administrative suspension order from delivering or receiving any material, including solid fuel, under governmental control, and may be deprived of governmental assistance in obtaining scarce materials.

**§ 602.666 Evasion prohibited.** No retail dealer shall change his method of doing business or engage in any practice for the purpose of evading any of the provisions of this regulation, or any practice that will result in an unreasonable hardship to persons to whom he may or must supply solid fuel under this regulation. Any person who has any doubts concerning the applicability of this section to his business activities should make written inquiry of the General Counsel, Solid Fuels Administration for War, Washington 25, D. C.

**§ 602.667 Damages for breach of contract.** No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with this regulation.

**§ 602.668 Application for modification and exception.** Any application by a retail dealer who is also a producer of coke requesting that he be excepted from the 50 per cent restriction imposed by § 602.657 (c) with respect to deliveries of coke shall be filed with the Washington office of SFAW.

Any other application by a retail dealer for modification of or exception from any provision of this regulation shall be filed



*Provisions of General Applicability*

Sec.  
 602.719 Assistance to persons unable to obtain sufficient coal.  
 602.720 Data to be preserved and made available.  
 602.721 Effect of representations.  
 602.722 Damages for breach of contract.  
 602.723 Violations.  
 602.724 Official interpretations.  
 602.725 Applications for modification or exception.

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of solid fuel for defense, for private account and for export; and the following regulation is deemed necessary and appropriate in the public interest and to promote the national defense:

**§ 602.700 What this regulation does.** This regulation controls the distribution of bituminous coal produced in the United States. It does not apply to those transactions between retail dealers and consumers which are governed by SFAW Regulation No. 26. This regulation continues during the 1945-1946 fuel year many of the provisions formerly contained in SFAW Regulation No. 23, as amended, and adds a number of new provisions.

Sections 602.702 to 602.709, inclusive, set forth provisions applicable to persons shipping bituminous coal.

Sections 602.710 to 602.716, inclusive, set forth provisions applicable to consumers of bituminous coal.

Sections 602.717 and 602.718 set forth provisions applicable to retail dealers receiving bituminous coal.

Sections 602.719 to 602.727, inclusive, set forth provisions of general applicability.

**§ 602.701 Meaning of terms used in this regulation.** For purposes of this regulation:

(a) "Coal" means bituminous and subbituminous coal produced in the United States.

(b) "Special purpose coal" or "coal for special purpose use" means coal which is to be:

(1) Charged into by-product ovens for the production of coke for metallurgical uses, or for the production of gas or for the recovery of by-products; or

(2) Used for metallurgical processes (except for foundry facings) in which the coal or its products of combustion come in direct contact with the metal during the processing; or

(3) Used for the production of manufactured gas in gas retorts or in water gas sets; or

(4) Used as a raw material, because of special chemical or physical characteristics, to form a component part of chemicals, or used directly in a chemical process; or

(5) Used for the production of beehive coke.

(c) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(d) "Producer" means any person to the extent that he is engaged in the business of mining or preparing bituminous coal (or the sales agent of such person).

(e) "Wholesaler" means any distributor, jobber, forwarder, commercial dock operator (river, lake or tidewater) or other person (except a retail dealer) who resells bituminous coal.

(f) "Commercial dock operator" means any person to the extent that he sells coal received by him by vessel or barge at a dock or other unloading facility located on the Great Lakes or on a river or at tidewater.

(g) "Shipper" means any person who disposes of coal to a wholesaler, retail dealer or consumer. To "ship" means to dispose of coal.

(h) "Retail dealer" means any person (including the retail outlet, branch or department of one who is also a producer, wholesaler or commercial dock operator) to the extent that he delivers or otherwise disposes of coal physically handled in a truck, wagon, or other less-than-carload facility, without regard to quantity or frequency of delivery.

(i) "Consumer" means any person (public or private) who consumes coal and receives it in cargo or carload lots from a producer or wholesaler, irrespective of the amount of coal which he consumes; and any person, (public or private) who consumes coal and receives at a plant or premises 3,000 tons or more of coal per year from a retail dealer, and who has facilities for storing at least a 15 days' supply of coal (based on average daily consumption during December 1944, January 1945 and February 1945).

(j) "Domestic consumer" means:

(1) Any consumer to the extent that he acquires coal for any use in any house, apartment house, hotel, or other dwelling; or

(2) Any consumer to the extent that he acquires coal for any use in any of the following buildings: Schools, churches and meeting houses, courthouses, prisons, police or fire stations, libraries, museums, banks, offices or office buildings, stores and retail or service establishments of any kind (except commercial bakeries or laundries), passenger terminals and depots (airplane, railroad, trolley, bus, ship or ferry), warehouses, garages, restaurants, taverns or bars, gymnasiums, auditoriums, theaters, club or lodge houses or rooms; places of amusement, dancing studios, zoos, stables and kennels; or

(3) Any consumer to the extent that he acquires coal for use at any building or plant not specifically referred to in this subsection if the entire amount of coal used at such building or plant is used for space heating, the domestic heating of water or domestic cooking.

(k) "Industrial consumer" means any consumer of coal to the extent that he is not a domestic consumer.

(l) "Public utility" means an industrial consumer who renders a public service by supplying electricity, water, gas, sewage disposal service or street railway transportation to a community.

(m) "District" means a bituminous coal producing district as described in Appendix A.

(n) "Ton" means 2,000 pounds.

(o) "SFAW" means Solid Fuels Administration for War.

*Provisions Applicable to Shippers of Coal*

**§ 602.702 Shipments of coal for special purpose use; first preference—(a) Orders subject to preference.** If you are a shipper of coal produced in any district to be used for a special purpose as defined in § 602.701 (b), you shall first arrange your distribution schedules for the period April 1, 1945 to March 31, 1946, so that orders received pursuant to commitments and directions for such special purpose coal are met in full, as provided in this section. If necessary, from time to time, your distribution schedules should be revised so as to assure that a first preference is given to such orders. You are prohibited from making other shipments of coal suitable for special purpose use until you have made adequate provision for fulfilling these orders.

No order for special purpose coal is covered by this preference unless:

(1) It is pursuant to a contract to supply special purpose coal approved in writing by SFAW in accordance with the provisions of SFAW Regulation No. 24; or

(2) It is from a consumer receiving less than 100 tons of coal per month for special purpose use who is exempt from the provisions of SFAW Regulation No. 24; or

(3) It is pursuant to written permission or direction issued by SFAW.

**NOTE:** Any shipment of special purpose coal other than pursuant to (1), (2) or (3) of this paragraph is prohibited by SFAW Regulation No. 24.

**(b) Time for making shipments.** To the maximum extent practicable, you shall meet commitments for special purpose coal by regular equal monthly shipments. If you ship such coal by any method of transportation except via the Great Lakes, you shall spread such shipments throughout the period April 1, 1945 to March 31, 1946. If you ship such coal by lake, you shall spread such shipments throughout the current season of navigation and conclude them on or before November 17, 1945. If at any time you are unable to meet all orders for special purpose coal, you shall first make shipment on orders from those consumers who receive special purpose coal shipped via the Great Lakes, and you shall then make shipment on orders from other consumers having the lowest days' supply of special purpose coal.

**§ 602.703 Shipments to retail dealers; second preference.** If you are a shipper of coal produced in Districts 1-4, inclusive, 6-11, inclusive, or 13, this section applies to you. However, certain provisions of this section are applicable to a shipper only to the extent that he ships coal as a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of, and including Waukegan, Illinois, or in the Upper Peninsula of the State of Michigan. In this section such a shipper is referred to as a commercial lake dock

operator. Other provisions of this section are applicable to a shipper only to the extent that he ships coal as a commercial tidewater dock operator located on the Atlantic Seaboard, north of, but not including New York Harbor. Such a shipper is referred to in this section as a commercial tidewater dock operator.

(a) *Orders subject to preference.* After you have arranged to meet orders for special purpose coal (as provided in § 602.702), you shall next arrange your distribution schedules so that for the period April 1, 1945 to March 31, 1946, orders from retail dealers are met to the extent set forth in this section. If necessary, from time to time, your distribution schedules should be revised so as to assure that a second preference is given to these orders. You are prohibited from shipping any coal (in the sizes described in paragraph (b) of this section) except coal covered by the first preference, until you have made adequate provision for fulfilling these orders of retail dealers.

This preference is applicable to orders received by you from retail dealers to whom you shipped coal during the base period, as described in paragraph (c) of this section.

In making shipments subject to this preference, you shall treat orders of independent retail dealers on the same basis as orders of affiliated retail dealers and you are permitted to arrange credit terms and other conditions of sale so long as such arrangements are not illegal or unreasonable and so long as they do not result in evasion of this regulation.

**NOTE:** Orders of retail dealers who do not have storage facilities or truck scales (un-equipped retail dealers) are entitled to this preference on the same basis as orders of retail dealers having storage facilities or truck scales (equipped retail dealers). Orders of retail dealer outlets of shippers are entitled to this preference on the same basis as orders of other retail dealers.

(b) *Coal to which preference is applicable.* (1) If you are a shipper of coal (other than a commercial lake dock operator or a commercial tidewater dock operator), the second preference which you are required to accord to retail dealers applies to the sizes of coal set forth in the table below. (The size groups and size descriptions in the table are as defined in the Schedule of Minimum Prices No. 2 issued by the former Bituminous Coal Division.)

District	Size groups	Size description
1.....	1, 2 and 3 (except resultant $2\frac{1}{2}$ " x 0 and smaller).	Lump, double-screened, run-of-mine size group.
2.....	1, 2, 3, 4, 5, and 6 (except straight run-of-mine and altered run-of-mine or altered screenings).	Lump, egg, stove, nut, pea, modified mine run and resultant screenings larger than $2\frac{1}{2}$ " x 0.
3.....	1, 2, 3, 4, 5, and modified run-of-mine and resultant screenings in size group 6.	Lump, egg, stove, nut, pea, modified run-of-mine and screenings larger than $2\frac{1}{2}$ " x 0.
4.....	1, 2, 3, 4, 5, and 6 (except straight run-of-mine and altered run-of-mine).	Lump, egg, stove, nut, pea, domestic run-of-mine and screenings larger than $2\frac{1}{2}$ " x 0.
6.....	1, 2, 3, 4, 5, and 6 (except straight run-of-mine and altered run-of-mine).	Lump, egg, stove, nut, pea, domestic run-of-mine and screenings larger than $2\frac{1}{2}$ " x 0.
7 low volatile <sup>1</sup> .....	1-7 (except screenings $1\frac{1}{2}$ " x 0 and smaller).	Lump, egg, stove, nut, pea, domestic run-of-mine, straight run-of-mine, and altered or resultant run-of-mine.
7 high volatile <sup>1</sup> .....	1-10 and 15-17.....	Block, lump, egg, stove, nut, stoker, domestic run-of-mine, straight run-of-mine, and resultant run-of-mine.
8 low volatile <sup>1</sup> .....	1-7 (except screenings $1\frac{1}{2}$ " x 0 and smaller).	Lump, egg, stove, nut, pea, domestic run-of-mine, straight run-of-mine, and altered or resultant run-of-mine.
8 high volatile <sup>1</sup> .....	1-10 and 15-17.....	Block, lump, egg, stove, nut, stoker, domestic run-of-mine, straight run-of-mine, and resultant run-of-mine.
9.....	1-12 and 17-20.....	Lump, egg, stove, nut, straight run-of-mine, modified run-of-mine, and raw, washed or air cleaned double-screened coals with a top size not larger than $2\frac{1}{2}$ " nor smaller than $\frac{3}{4}$ " and a bottom size not larger than $\frac{3}{4}$ " nor smaller than $\frac{1}{8}$ ".
10.....	1-12 and 17-20.....	Lump, egg, stove, nut, straight run-of-mine, modified run-of-mine, and raw, washed or air cleaned double-screened coals with a top size not larger than $2\frac{1}{2}$ " nor smaller than $\frac{3}{4}$ " and a bottom size not larger than $\frac{3}{4}$ " nor smaller than $\frac{1}{8}$ ".
11.....	1-12 and 17-20.....	Lump, egg, stove, nut, straight run-of-mine, modified run-of-mine, and raw, washed or air cleaned double-screened coals with a top size not larger than $2\frac{1}{2}$ " nor smaller than $\frac{3}{4}$ " and a bottom size not larger than $\frac{3}{4}$ " nor smaller than $\frac{1}{8}$ ".
13.....	1-16, 19-21 and 18 and 23 when for domestic stoker use.	Lump, egg, nut, chestnut, straight run-of-mine, modified run-of-mine, resultant coal larger than $3\frac{1}{2}$ " x 0 and resultant $1\frac{1}{2}$ " x 0 and smaller when for domestic stoker use.

<sup>1</sup> The designation of mines contained in the Minimum Price Schedules of the former Bituminous Coal Division for Districts 7 and 8 shall be the basis for determining whether coal is low or high volatile coal within the meaning of this regulation.

However, if you are shipping coal to a commercial tidewater dock operator, the preference which you shall accord to such dock operator does not apply to any straight run-of-mine or any resultant coal.

(2) If you are a commercial lake dock operator, the second preference which you are required to accord to retail dealers applies to coal in the following sizes: Lump, egg, stove, nut, pea or stoker

(whether or not re-screened at the dock, but not including resultant  $2\frac{1}{4}$ " x 0 and smaller) domestic run-of-mine and run-of-pile.

If you are a commercial tidewater dock operator, the second preference which you are required to accord to retail dealers applies to coal in the following sizes: Lump, egg, stove, nut, pea or stoker (whether or not re-screened at the dock, but not including resultant  $2\frac{1}{4}$ " x 0 and smaller) and domestic run-of-mine.

(c) *Amount of coal to which preference is applicable.* During the period April 1, 1945 to March 31, 1946, you are required to ship to each retail dealer entitled to this preference an amount of coal equal to 80 per cent of the tonnage you shipped to that retail dealer during the base period.

The base period tonnage of the dealer is calculated as follows:

(1) If you are a shipper of coal (other than a commercial lake dock operator or a commercial tidewater dock operator), you shall include all coal (in those sizes listed in paragraph (b) (1) of this section) produced in Districts 7 and 8 which you shipped to each retail dealer during the period April 1, 1943 to March 31, 1944, plus all such coal which you shipped to each retail dealer during the period April 1, 1944 to March 31, 1945, pursuant to SFAW direction or written authorization.<sup>1</sup> You shall include all coal (in those sizes listed in paragraph (b) (1) of this section) produced in Districts 1, 2, 3, 4, 6, 9, 10, 11 and 13, which you shipped (voluntarily or pursuant to SFAW direction or written authorization) to each retail dealer during the period April 1, 1944 to March 31, 1945.<sup>2</sup>

**NOTE:** To the extent that a retail dealer located in Milwaukee County, Wisconsin, demonstrates that the provisions of this paragraph prejudice him with respect to the amount of coal which he may receive all-rail, SFAW, upon application by the retail dealer, will authorize the substitution of the 1942-1943 coal year for calculating such dealer's base period tonnage.

If you are a producer supplying coal at your mine or preparation plant to truckers and your records do not actually show the amount of coal supplied to individual truckers during the base period, you shall compute the total amount of coal in those sizes listed in paragraph (b) (1) of this section supplied to all such truckers during the base period. You shall then apportion 80 per cent of that total base period tonnage among truckers served by you during the base period. If the coal produced at your mine is shipped exclusively by truck, you are permitted to make additional shipments to truckers to the extent necessary to assure that the production of your mine is not curtailed for lack of orders.

**NOTE:** Deliveries of coal by truckers (including producers to the extent that they truck their own coal) to consumers are governed by the provisions of SFAW Regulation No. 26. This means the trucker is limited generally to delivering not more than 80 per cent of the domestic consumer's annual requirements and must obtain from the consumer a Consumer Declaration before delivering coal to him. The trucker must keep

<sup>1</sup> In calculating the amount of coal shipped during this period (1943-1945) to a retail dealer located in the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, New York, New Jersey or Pennsylvania, coal produced in Districts 7 or 8 shipped all-rail to such dealers pursuant to SFAW directions shall be excluded.

<sup>2</sup> SFAW may, with or without an application by a shipper, notify the shipper to exclude from the base period tonnage of a retail dealer coal shipped to the dealer pursuant to SFAW direction or authorization.

the Consumer Declarations for two years for inspection by SFAW.

(2) If you are a commercial lake dock operator or a commercial tidewater dock operator, you shall include all coal (in those sizes listed in paragraph (b) (2) of this section) which you shipped to each retail dealer during the period April 1, 1943 to March 31, 1944, plus all such coal which you shipped to each retail dealer during the period April 1, 1944 to March 31, 1945, pursuant to SFAW direction or specific authorization.

(d) *Maximum and minimum shipments to dealers.* (1) If you are a shipper of coal produced in Districts 1, 2, 3, 4, or 6 (other than a commercial lake dock operator or a commercial tidewater dock operator), you are prohibited from shipping to any retail dealer during the period April 1, 1945 to October 1, 1945, more than 50 percent (to the nearest carload or barge lot) of the total amount which he is entitled to receive under this second preference for the entire period April 1, 1945 to March 31, 1946.

If you are a shipper of coal produced in Districts 1, 2, 3, 4, 6, 9, 10, 11 or 13, you are required to ship during the period April 1, 1945 to October 1, 1945, to each retail dealer entitled to this preference not less than 30 percent (to the nearest carload or barge lot) of the total amount of coal which you are required to ship to such dealer during the entire period April 1, 1945 to March 31, 1946. Subsequent to October 1, 1945, you are required to ship in equal monthly amounts, to the maximum extent practicable, the balance of the coal which each retail dealer is entitled to receive under this preference.

(2) If you are a shipper of coal produced in Districts 7 or 8 (other than a commercial lake dock operator or a commercial tidewater dock operator), you are prohibited from shipping to any retail dealer during the period April 1, 1945 to December 1, 1945, more than 70 percent (to the nearest carload or barge lot) of the total amount which he is entitled to receive under this second preference for the entire period April 1, 1945 to March 31, 1946.

Further, you are required to ship (to the nearest carload or barge lot) to each retail dealer not less than the minimum percentages and not more than the maximum percentages for the periods indicated in the following table:

Time of shipments	Minimum	Maximum
	Percent	Percent
April and May	12½	20
June and July	12½	15
August and September	12½	15
October and November	12½	20

Subsequent to December 1, 1945, you are required to ship in equal monthly amounts, to the maximum extent practicable, the balance of the coal which each retail dealer is entitled to receive under this preference.

<sup>2</sup> SFAW may, with or without an application by a shipper, notify the shipper to exclude from the base period tonnage of a retail dealer coal shipped to the dealer pursuant to SFAW direction or authorization.

(3) If a retail dealer does not agree to accept minimum shipments from you, as required by this paragraph, when offered by you under reasonable terms, you are relieved from making such minimum shipments to the retail dealer. You shall promptly report all such instances to the Area Distribution Manager for the district in which the coal is produced, except that reports for District 7 coal shall be sent to Mr. W. G. Caperton, Solid Fuels Administration for War, Washington 25, D. C.

NOTE: After you have made minimum shipments to retail dealers entitled to preference under this section, you shall not make addi-

tional shipments to such retail dealers pursuant to this section if you thereby are unable to meet your lake commitments entitled to third preference, as provided in § 602.704.

(e) *Interchangeable and non-interchangeable sizes.* (1) If you are a shipper of coal (other than a commercial lake dock operator or a commercial tidewater dock operator), you shall, to the maximum extent practicable, make shipments under this preference on the basis of the amount of each size shipped to the individual retail dealer during the base period described in paragraph (c) of this section. However, in discharging preference obligations, you may interchange the following sizes of coal:

District	Size group <sup>1</sup>	Size description <sup>1</sup>
1	1, 2 and 3 (except pea and resultant 2½" x 0 and smaller).	Lump, double screened and run-of-mine size group except pea.
2	1, 2, 3, 4 and 5.	Lump, egg, stove and nut.
3	1, 2, 3, 4 and modified run-of-mine in 6.	Lump, egg, stove, nut and modified run-of-mine.
4	1, 2, 3, 4, 5 and 6 (except run-of-mine).	Lump, egg, stove and nut.
6	1, 2, 3, 4, 5 and 6 (except run-of-mine).	Lump, egg, stove, nut, and domestic run-of-mine.
7 (low volatile <sup>2</sup> )	1, 2, 3, 4 and 6.	Block, lump, egg, stove and nut.
7 (high volatile <sup>2</sup> )	1, 2, 3, 4, 5, 6, 7, 8 and 9.	Lump, egg, stove, nut and domestic run-of-mine.
8 (low volatile <sup>2</sup> )	1, 2, 3, 4 and 6.	Block, lump, egg, stove and nut.
8 (high volatile <sup>2</sup> )	1, 2, 3, 4, 5, 6, 7, 8 and 9.	Lump, egg, stove and nut.
9	1, 2, 3, 4, 5, 6 and 8.	Do.
10	1, 2, 3, 4, 5, 6 and 8.	Do.
11	1, 2, 3, 4, 5, 6 and 8.	Lump, egg and stove.
13	1-11.	Lump, egg, nut and chestnut.

<sup>1</sup> Since any straight run of mine or any resultant coal shipped by tidewater to a commercial tidewater dock operator is excluded from the preference, these sizes shall not be considered interchangeable with any other sizes when shipped by tidewater to a commercial tidewater dock operator.

<sup>2</sup> The designation of mines contained in the Minimum Price Schedules of the former Bituminous Coal Division for Districts 7 and 8 shall be the basis for determining whether coal is low or high volatile within the meaning of this regulation.

Other sizes of coal may not be treated interchangeably by the shipper without consent of the buyer.

(2) If you are a commercial lake dock operator or a commercial tidewater dock operator, you shall, to the maximum extent practicable, make shipments under this preference, on the basis of the amount of each size shipped to the individual retail dealer during the base period described in paragraph (c) of this section. However, in discharging preference obligations you may interchange the following sizes of coal: lump, egg, stove, nut and domestic run-of-mine. Other sizes of coal may not be treated interchangeably by the shipper without consent of the buyer.

(f) *Shippers to notify dealers and wholesalers of preference deliveries.* If you are a shipper of coal, you shall notify on or before May 1, 1945, each retail dealer and each wholesaler entitled to a preference under this section of the aggregate maximum amount of coal which you are obligated to deliver to him during the entire period April 1, 1945 to March 31, 1946. You shall further advise the dealer or wholesaler, on the basis of reasonable estimates of your production, of the amount of coal which you will have available for him and the approximate rate at which shipments consistent with this regulation will be made. You shall also indicate when the dealer or wholesaler should place his orders with you to assure regulation shipments.

If you do not expect to be able to meet your entire preference obligations to the dealer or wholesaler, you shall notify SFAW of the extent of the anticipated deficiency. Shippers other than commercial lake dock operators and commercial tidewater dock operators shall send this notification to the SFAW Area

Distribution Manager for the district in which the coal is produced (except that reports for District 7 coal shall be sent to Mr. W. G. Caperton, Solid Fuels Administration for War, Washington 25, D. C.); commercial lake dock operators shall send this notification to Mr. Milton Almer, SFAW Area Distribution Manager, 520 New York Life Building, 129 South 5th Street, Minneapolis 2, Minnesota, except that commercial lake dock operators located in the lower peninsula of Michigan shall send this notification to Mr. Edward C. Crowley, SFAW Area Distribution Manager, 2210 Penobscot Building, Detroit, Michigan, and commercial tidewater dock operators shall send this notification to Mr. Borden Covel, SFAW Area Distribution Manager, 17 Court Street, Boston 8, Massachusetts.

(g) *Shipper's obligation when dealer has ceased business.* If a retail dealer to whom you shipped coal during the base period, as described in paragraph (c) of this section, is no longer in business, you have a continuing obligation to the community in which the dealer was located. Accordingly, you shall apportion the tonnage to which the defunct dealer would have been entitled under this regulation to one or more retail dealers in that community who will serve substantially the same customers formerly served by the defunct dealer. If a retail yard has been sold, transfer of the quota to the successor dealer will generally assure most equitable distribution. When you transfer the quota of a defunct dealer to one or more existing dealers, you shall notify SFAW of the amount of tonnage so transferred. This notice should be sent to the appropriate Area Distribu-

tion Manager indicated in paragraph (f) of this section.

(h) *Provisions applicable to new mines and newly acquired mines.* If you are producing coal at a mine which was not in operation during the base period, as described in paragraph (c) of this section, you shall, before delivering coal to any retail dealer or other person for resale to a retail dealer, report to the Area Distribution Manager for your producing district (1) your approximate daily production; and (2) the tonnage, by sizes, you will have available for distribution to retail dealers. SFAW will thereupon direct or authorize distribution of such coal.

If you are producing coal at a mine which was in operation during the base period, but which you acquired during or subsequent to the base period, you are required to accord a preference to the retail dealers served by that mine during the base period in the same way and to the same extent as if you had shipped coal to such dealers during the base period.

(1) *Preference to wholesalers reselling coal to dealers.* If you are a shipper of coal, you are required to ship to each wholesaler to whom or for whose account you shipped coal during the base period, as described in paragraph (c) of this section, an amount of coal sufficient to assure that orders of retail dealers to whom the wholesaler shipped your coal during such period receive the same proportionate amount of coal as if you were required to fill the orders of those retail dealers directly in accordance with the provisions of this regulation. However, you are not required to ship coal to such a wholesaler if:

(1) You report to SFAW the entire amount of coal which you shipped to such wholesaler during the base period and you indicate your willingness and ability to make available an amount equal to 80 percent of such tonnage for distribution by SFAW to meet the needs of the communities previously served by such wholesaler; or

(2) You ascertain the identity of all retail dealers previously served by such wholesaler and you arrange to ship to each of them directly the proportionate amount of coal to which he is entitled under this regulation.

NOTE: This paragraph shall not be construed to relieve shippers from any contractual obligations not inconsistent with this regulation.

§ 602.704 *Shipments of coal moving to docks via the Great Lakes, third preference.* If you are a shipper of coal produced in Districts 1-4, inclusive, or 6-11, inclusive, after you have arranged to ship special purpose coal to the extent required by § 602.702 and coal to retail dealers to the extent required by § 602.703, you shall next arrange your distribution schedules for the period April 1, 1945 to November 17, 1945, so that orders received pursuant to commitments and directions for coal moving via the Great Lakes to any dock or other unloading facility are met in full. If necessary, from time to time your distribution schedules should be revised so as to assure that a third preference is

given to these orders. You are prohibited from shipping coal in those sizes set forth in § 602.703 (b), except coal subject to the first and second preference, until you have made adequate provisions for fulfilling these orders.

No order for coal moving via the Great Lakes to a dock or other unloading facility is covered by this preference unless it is pursuant to:

(a) A contract to ship coal via the Great Lakes entered into on or before February 20, 1945, and reported to SFAW in accordance with SFAW Regulation No. 25; or

(b) Written permission or directions issued by SFAW.

NOTE: Any shipment of coal moving via the Great Lakes to a dock or other unloading facility other than pursuant to paragraphs (a) or (b) of this section is prohibited by SFAW Regulation No. 25. The amount of coal moving via the Great Lakes to a dock or other unloading facility which an industrial consumer may receive is restricted under § 602.714.

To the maximum extent practicable and consistent with effective utilization of transportation facilities, you should spread your shipments of lake coal entitled to the third preference in equal monthly amounts throughout the current season of navigation and conclude them on or before November 17, 1945.

§ 602.705 *Prohibitions against shipments contrary to regulation.* If you are a shipper of coal, (a) you are prohibited from shipping any coal to any person who is not entitled to receive coal from you under this regulation; (b) you are prohibited from shipping more coal to any person than he is entitled to receive from you under this regulation; and (c) you are prohibited from shipping coal to any person who is required by this regulation to file a consumer declaration with you unless and until you have received such consumer declaration.

§ 602.706 *Shipments of surplus coal.* If you are a producer, after you have filled or arranged to fill all orders which you are required or permitted to fill pursuant to this regulation, you shall report immediately to the SFAW Area Distribution Manager for your producing district the amount of any surplus tonnage, by sizes, which you have or expect to have available. You are prohibited from shipping such surplus coal to any person until and unless you have obtained the written approval of the SFAW Area Distribution Manager for your producing district, except that approval of shipments of coal produced in District 7 shall be given by Mr. W. G. Caperton, Solid Fuels Administration for War, Washington 25, D. C. Where circumstances require, the Area Distribution Manager may give oral approval to ship surplus coal but he shall immediately thereafter confirm the arrangement in writing.

If the Area Distribution Manager advises you that no emergency exists at the time you report such surplus, and if he does not direct or specifically authorize the disposition of your surplus coal, you may offer such surplus to industrial consumers who have filed orders with you pursuant to § 602.712, in accordance with the following schedule of priority ship-

ments, and such industrial consumers are permitted to receive the coal in accordance with this schedule notwithstanding the restrictions imposed on receipts by § 602.715:

(a) To all industrial consumers whose days' supply of coal is 10 days or more below base until their days' supply is not more than five days below base.

(b) To all industrial consumers (including those originally in paragraph (a) of this section) whose days' supply of coal is five days or more below base until their days' supply reaches base.

(c) To all industrial consumers (including those originally in paragraphs (a) and (b) of this section) whose days' supply is base until their days' supply reaches five days above base.

(d) To all industrial consumers (including those originally in paragraphs (a), (b) and (c) of this section) whose days' supply is five days above base.

(e) To all industrial consumers (including those originally in paragraphs (a), (b), (c) and (d) of this section) whose days' supply is 10 days above base.

If at any time curtailment of production at your mine is threatened because of lack of orders for your coal, you should immediately report this situation to the SFAW Area Distribution Manager for your producing district (or to Mr. Caperton, in the case of District 7).

§ 602.707 *Use of coal preparation facilities.* No preparation, sizing, or crushing of coal shall be engaged in by any person in order to avoid fulfilling any order which may be filled under this regulation, or to evade any provision of this regulation. To the maximum extent practicable, shippers of coal having screening facilities shall utilize such facilities to effectuate the provisions of this regulation.

§ 602.708 *When orders must be received and what they must contain.* If you are a shipper of coal produced in Districts 1-4, inclusive, 6-20, inclusive, 22 and 23, this section applies to you.

(a) *Orders of consumers.* You are prohibited from shipping any coal to any consumer (except those consumers specifically exempted in § 602.712 (b)) on any order, during any calendar month, by any method or combined method of transportation, unless (1) the order for coal has been received on or before the 24th day of the preceding month, and (2) the written order, or confirmation of the order, contains the information required to be submitted by the consumer in § 602.712.

(b) *Orders of wholesalers.* You are prohibited from shipping any coal to a wholesaler (except a commercial dock operator located on the Great Lakes or on the Atlantic Seaboard north of, but not including New York Harbor) unless his order contains (1) the names and locations of the consumers to whom the coal is to be resold by the wholesaler and (2) such information as is required to be submitted to the wholesaler in the orders of the consumers, as provided in

\* A consumer's base is that days' supply at which he is permitted to receive 100 per cent of his monthly consumption requirements as indicated in § 602.715.

§ 602.712. However, a shipper is not required to obtain such information when the order is for coal to be shipped to a lower lake dumping port or to a tide-water dumping port, and the coal is not segregated and earmarked for transhipment to a particular consumer.

§ 602.709 *Reports by producers, commercial dock operators and lake or tide-water forwarders*—(a) *Reports to be filed by producers*. (1) If you are a producer of coal in any district except District 5, you shall report on or before the last day of each calendar month preceding the month during which the coal is to be shipped that information which is required to be reported on Form SFA No. 79.

(2) If you are a producer of coal in Districts 1-4, inclusive, 6-11, inclusive, or 13, you shall file on or before April 30, 1945, with your Form SFA No. 79 for May a statement showing your shipments to retail dealers during the base period, as described in § 602.703 (c). This statement shall show the aggregate shipments to retail dealers (and to wholesalers entitled to preference under § 602.703 (i)) in sizes grouped as follows:

- (i) All interchangeable sizes as set forth in § 602.703 (e) (1);
- (ii) All other sizes under preference as set forth in § 602.703 (b) (1);
- (iii) All other sizes.

You shall also file each month, at the time you file Form SFA No. 79, a statement showing your aggregate shipments to retail dealers from April 1, 1945, to the last day of the month during which you file your report. You shall record your actual shipments to the date you prepare your report and you may estimate the shipments you expect to make until the end of the month. This statement shall show the aggregate shipments to retail dealers (and to wholesalers entitled to preference under § 602.703 (i)) in sizes grouped as set forth in the preceding paragraph. Any shipments made subsequent to April 1, 1945 to retail dealers pursuant to SFAW directions or specific authorizations shall be reported separately.

(b) *Reports to be filed by commercial dock operators*. (1) If you are a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of, and including Waukegan, Illinois, or in the Upper Peninsula of the State of Michigan, you shall file on or before April 30, 1945, a statement showing your shipments to retail dealers during the base period, as described in § 602.703 (c). This statement shall show the aggregate shipments to retail dealers (and to wholesalers entitled to preference under § 602.703 (i)), in sizes grouped as follows:

- (i) All interchangeable sizes as set forth in § 602.703 (e) (2);
- (ii) All non-interchangeable sizes under preference as set forth in § 602.703 (b) (2);
- (iii) All other sizes.

You shall also file on or before the last day of each calendar month a statement

\* Producers of coal in Districts 7 to 11, inclusive, shall exclude from this group domestic stoker or pea and shall report such sizes separately.

showing your aggregate shipments to retail dealers from April 1, 1945 to the last day of the month during which you file your report. You shall record your actual shipments to the date you prepare your report and you shall estimate the shipments you intend to make until the end of the month. This statement shall show the aggregate shipments to retail dealers (and to wholesalers entitled to preference under § 602.703 (i)) in sizes grouped as set forth in the preceding paragraph. Any shipments made subsequent to April 1, 1945 to retail dealers pursuant to SFAW direction or specific authorization shall be reported separately.

(2) If you are a commercial tidewater dock operator located on the Atlantic Seaboard north of but not including New York Harbor, you shall report on or before the last day of each calendar month preceding the month during which the coal is to be shipped that information which is required to be reported on Form SFA No. 79.

You shall also file the same information which commercial lake dock operators are required to file under subparagraph (1) of this paragraph. You shall also file each month, at the time you file Form SFA No. 79, a statement showing:

(i) The total tonnage of coal which you will have on your dock on the first day of the succeeding month;

(ii) The total tonnage ordered by you, from all your suppliers, for shipment to your dock during the succeeding month; and

(iii) The amount of coal which you estimate will be delivered by you ex-dock during the succeeding month.

(3) If you are a commercial tidewater dock operator not located in the areas described in subparagraph (2) of this paragraph, you shall file the same information as producers are required to file under paragraph (a) of this section.

(c) *Confidential character of reports*. The Area Distribution Manager shall make available to designated representatives of the appropriate Bituminous Coal Producers Advisory Board any information contained in reports required to be filed under this section. Such information shall be confidential, and is not to be compiled, abstracted or disclosed by the Area Distribution Manager, any member of the Advisory Board, or any other person, except in so far as it is necessary to accomplish the purposes of this regulation, or as authorized by SFAW.

(d) *Where forms may be obtained and where they shall be filed*. Form SFA No. 79 is supplied by the Solid Fuels Administration for War and may be obtained from the Bituminous Coal Producers Advisory Board or from the Area Distribution Manager for your district. If you are a producer, you shall file Form SFA No. 79 and other required information at the office specified for your district in Appendix B. If you are a commercial lake dock operator, you shall file such information with the Solid Fuels Administration for War, Washington 25, D. C. If you are a commercial tidewater dock operator, you shall file such information with Mr. Borden Covel, 17 Court Street, Boston 8, Massachusetts.

#### Provisions Applicable to Consumers of Coal

§ 602.710 *How this regulation applies to consumers*. Sections 602.710 to 602.716, inclusive, apply only to persons who consume coal. It does not apply to persons who buy coal for resale. (If you buy coal for resale which you do not deliver as a retail dealer, §§ 602.702 to 602.709, inclusive, apply to you; if you are operating as a retail dealer, §§ 602.717 and 602.718 and SFAW Regulation No. 26 (§§ 602.650-602.669) apply to you.)

(a) *Consumers generally*. If you consume coal which you receive in cargo or carload lots from a producer or wholesaler, this regulation applies to you, irrespective of the amount of coal which you consume. This regulation also applies to you if you consume at a plant or premises 3,000 tons or more of coal per year which you receive from a retail dealer and if you have facilities for storing at least a fifteen days' supply of coal (based on average daily consumption during December 1944, January 1945 and February 1945).

You are designated a "consumer" under this regulation irrespective of the use to which the coal is put.

(b) *Industrial consumers*. If you are an industrial consumer (as defined in § 602.701 (k)), you shall:

(1) File orders and other information as required by § 602.712;

(2) Receive no more coal for special purpose use (as defined in § 602.701) than you are permitted to receive under § 602.713;

(3) Receive no more coal at a dock on the Great Lakes or ex-lake dock than you are permitted to receive under § 602.714;

(4) Receive no more coal by any other method of transportation than you are permitted to receive under § 602.715.

(c) *Domestic consumers*. If you are a domestic consumer (as defined in § 602.701 (j)), you shall:

(1) File your orders and other information as required by § 602.712;

(2) File your Consumer Declaration as required by § 602.716; and

(3) Receive no more coal than you are permitted to receive under § 602.716.

(d) *Exceptions*. (1) This regulation is not applicable to industrial consumers who receive coal for vessel fuel or bunker fuel, but such consumers are not entitled to preferential treatment on shipments for such use.

(2) This regulation is not applicable to receipts of coal by the War Department, Navy Department (including Marine Corps and Coast Guard), Veterans' Administration, Maritime Commission, Foreign Economic Administration (that part formerly Lend-Lease and Office of Economic Warfare) and the War Shipping Administration.

(3) This regulation is applicable to the Post Office, Treasury Procurement and Bureau of Prisons in that these agencies are restricted in the amount of coal they may receive. This regulation is not otherwise applicable to them.

(4) If you consume less than 3,000 tons of coal per year and receive it from a retail dealer (as defined in § 602.701 (h)),

this regulation is not applicable to you. Receipts of coal by you are governed by SFAW Regulation No. 26.

(5) If you consume 3,000 tons or more of coal per year and receive it from a retail dealer (as defined in § 602.701 (h)), but you do not have facilities for storing at least a fifteen days' supply of coal (based on average daily consumption during December 1944, January 1945 and February 1945), this regulation is not applicable to you. Receipts of coal by you are governed by SFAW Regulation No. 26.

**§ 602.711 How "days' supply" and "monthly consumption requirements" are calculated by consumers.** For the purpose of determining how much coal you are permitted to receive under this regulation, it will be necessary for you to calculate your "days' supply" of coal and also your "monthly consumption requirements." The method by which these amounts are calculated is as follows:

(a) *Days' supply.* "Days' supply" means the total amount of bituminous coal which a consumer reasonably expects he will have in storage upon the last day of the calendar month in which he places an order for coal, divided by the average number of tons he reasonably expects will be consumed each day (including Sundays and legal holidays) during the succeeding calendar month.

**NOTE:** If your estimated requirements during the succeeding month represent less than 5 per cent of the total tonnage consumed during the calendar year 1944, you may compute your days' supply by dividing the amount of coal you estimate you will have in storage on the last day of the month by the average number of tons consumed each day during the months of December 1944, January 1945 and February 1945.

In determining the amount of coal you have "in storage," you shall include all bituminous coal produced in the United States or in Canada which you reasonably expect will be in your bin, stockpile, in railroad cars or vessels, or in other storage facilities auxiliary to each of your plants or buildings (or railroad systems). You shall also include coal which is held in storage for your account or under your control. You should not include coal in transit which is not expected to arrive at your plant, building, or storage facility (or railroad system) by the end of the month in which the order is placed. (A railroad system, in computing days' supply, shall include coal in cars on its system for its own use as well as coal on the ground or in other storage facilities.)

If you use a single storage facility to supply coal to two or more plants or buildings (or railroad systems), you shall compute the days' supply of coal for each plant or building (or railroad system) separately. This is done by dividing the tonnage in the storage facility by the sum of the average number of tons the consumer expects will be consumed at each plant or building (or railroad system) each day (including Sundays and legal holidays) during the succeeding calendar month. The result of this process of division shall be deemed to be the "days' supply" of each plant or building (or railroad system).

You shall compute separately your days' supply of those sizes and qualities of bituminous coal which are not substantially interchangeable in your operations. If you are a person who is both an industrial consumer and a domestic consumer, you shall compute separately your days' supply of coal which you receive in each capacity.

If you order coal for a railroad system which uses coal produced in various districts, you shall compute separately the days' supply by groups of districts as follows: Districts 9, 10, 11 and 13 are to be reported as Group A; Districts 1-4, inclusive, and 6 are to be reported as Group B; Districts 7 and 8 (high volatile) are to be reported as Group C; Districts 7 and 8 (low volatile) are to be reported as Group D; and all other districts and Canada are to be reported as Group E.

(b) *Monthly consumption requirements.* "Monthly consumption requirements" means the requirements of a plant or building (or railroad system) during the succeeding calendar month.

**NOTE:** If your requirements at a plant or building during the succeeding calendar month represent less than 5 per cent of the total tonnage consumed during the calendar year 1944, the average requirements of such plant or building during the months of December 1944, January 1945 and February 1945 may be substituted as the "monthly consumption requirements" of such plant or building.

You shall compute separately monthly consumption requirements for those sizes and qualities of bituminous coal which are not substantially interchangeable in your operations. If you are a person who is both an industrial consumer and a domestic consumer, you shall compute separately your monthly consumption requirements of coal which you receive in each capacity.

If you order coal for a railroad system which uses coal produced in various districts, you shall compute separately the monthly consumption requirements of coal by groups of districts as set forth in paragraph (a) of this section.

**§ 602.712 When orders must be filed and what they must contain—(a) General provisions.** If you are a consumer, you are prohibited from receiving any coal (other than "surplus coal" offered by producers pursuant to § 602.706) produced in any district except District 5, under any order, unless you file such order with your supplier on or before the 24th day of the calendar month preceding the month of shipment.

You are not permitted to receive any coal pursuant to any order, unless the order, or confirmation of the order, contains the following information:

(1) Separately, by uses, the specific number of tons ordered from your supplier.

(2) Separately, by uses, your estimated days' supply (calculated as set forth in § 602.711) as of the last day of the calendar month during which the order is placed.

<sup>4</sup> Domestic consumers are not permitted to receive "surplus coal" under § 602.706, except pursuant to SFAW direction or specific authorization.

(3) Separately, by uses, your monthly consumption requirements (calculated as set forth in § 602.711).

(4) Separately, by uses, and groups of districts, the total tonnage of coal (except "surplus coal" which you have indicated your willingness to buy) you have ordered from all suppliers for delivery to you from each group of districts during the same calendar month. Districts 9, 10, 11 and 13 are to be reported as Group A; Districts 1-4, inclusive, and 6 are to be reported as Group B; Districts 7 and 8 (high volatile) are to be reported as Group C; Districts 7 and 8 (low volatile) are to be reported as Group D; and all other districts and Canada are to be reported as Group E.

(5) A statement on the order or confirmation of the order, certifying that the consumer is entitled under this regulation to receive the amount of coal ordered and that he has not placed any other order for coal except as permitted by § 602.706. (If an industrial consumer desires to obtain surplus coal, when available under § 602.706, he shall indicate the amount of such coal separately on the order or confirmation of the order.)

(6) A statement on the order, or confirmation of the order, that the above information is correct.

(b) *Exceptions.* This section does not apply to any of the following consumers:

(1) A consumer who does not receive, during the calendar month, from all sources combined, more than 50 tons or one carload of bituminous coal;

(2) A consumer to the extent that he receives coal from a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the Upper Peninsula of the State of Michigan.

**§ 602.713 Restrictions on receipts by industrial consumers of coal for special purpose use.** If you are an industrial consumer receiving coal for special purpose use, as defined in § 602.701 (b), and you use 100 tons or more of such coal per month, you are prohibited from receiving during the period April 1, 1945 to March 31, 1946, more of such coal than the amount covered by contracts filed pursuant to SFAW Regulation No. 24 and approved by SFAW, except that you may receive additional amounts pursuant to SFAW directions or specific authorizations.

If you are an industrial consumer receiving coal for special purpose use, as defined in § 602.701 (b), and you use less than 100 tons of such coal per month, you are prohibited from receiving during the period April 1, 1945 to March 31, 1946, an amount of such coal in excess of your consumption requirements for that period.

**§ 602.714 Restrictions on receipts by industrial consumers of coal moving via the Great Lakes or ex-lake dock.** If you are an industrial consumer receiving coal

<sup>4</sup> Domestic consumers are not permitted to receive "surplus coal" under § 602.706, except pursuant to SFAW direction or specific authorization.

via the Great Lakes, this section applies to you.

(a) *General restrictions.* If you receive coal (except coal for a special purpose use) via the Great Lakes, whether such coal is received by you directly at a dock on the Lakes or is received ex-lake dock, you are prohibited from receiving during the period May 15, 1945 to May 15, 1946, more coal than the amount for which you have contracted in accordance with the provisions of SFAW Regulation No. 25, except that you may receive additional amounts pursuant to SFAW direction or specific authorization. The amount of coal which you have contracted to receive is subject to modification by SFAW direction. You are prohibited from receiving during the period April 1, 1945 to May 15, 1945, more than 100 per cent of your consumption requirements for such period, less any coal which you have on hand April 1, 1945. You may, however, accept deliveries of coal for which you have contracted pursuant to SFAW Regulation No. 25 at any time subsequent to April 1, 1945.<sup>8</sup>

If you receive coal from a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the Upper Peninsula of the State of Michigan, and if, on December 1, 1945, you have more than 100 days' supply of coal, you shall, on or before December 10, 1945, furnish to such commercial dock operator a statement of your days' supply as of December 1, 1945. You shall also furnish such statement to Mr. Milton Almer, SFAW Area Distribution Manager, 520 New York Life Building, 129 South 5th Street, Minneapolis, Minnesota.

(b) *Restrictions on receipts May 15, 1945 to December 1, 1945.* If you receive coal from a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the Upper Peninsula of the State of Michigan, you are prohibited from receiving during the period May 15, 1945 to December 1, 1945, more than 75 per cent of the total tonnage of coal which you are permitted to receive from such commercial dock operator during the entire period May 15, 1945 to May 15, 1946.

However, the SFAW Area Distribution Manager in Minneapolis is authorized to modify these provisions to permit deliveries in excess of 75 per cent (but otherwise consistent with this regulation), if the industrial consumer is engaged primarily in the operation of a seasonal industry such as a fruit or vegetable cannery, or in other cases to prevent hardship.

NOTE: SFAW Regulation No. 3 prohibits ex-lake dock distribution to certain destinations, principally in the Far West. SFAW Regulation No. 25 limits the amount of coal which industrial consumers may contract to receive to not more than 100 per cent of their consumption requirements for the period May 15, 1945 to May 15, 1946.

(c) *Geographical restrictions.* If you are located in any area outside of the

States of Iowa, Michigan, Minnesota, North Dakota, South Dakota, or Wisconsin, you are prohibited from receiving any coal from any commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois or in the Upper Peninsula of the State of Michigan unless you first obtain written permission from Solid Fuels Administration for War, Washington 25, D. C.

§ 602.715 *Restrictions on receipts by industrial consumers of coal (other than special purpose coal and coal moving via the Great Lakes or ex-lake dock).* If you are an industrial consumer of coal, other than special purpose coal, as defined in § 602.701 (b), and other than coal received via the Great Lakes or ex-lake dock, this section applies to you.

(a) *Surplus coal not restricted.* Notwithstanding other provisions of this section, you are permitted to receive surplus coal which a producer may ship in accordance with § 602.706. Industrial consumers desiring to obtain surplus coal should indicate the amount of surplus which they desire to buy in their orders pursuant to § 602.712.

NOTE: To meet emergency situations during the 1945-1946 coal year, SFAW will generally divert tonnage from industrial consumers on a pro rata basis and irrespective of the industrial consumer's days' supply. Accordingly, all industrial consumers with storage facilities should arrange to build their stockpiles to the maximum extent whenever surplus coal is available.

(b) *Restrictions on receipts by industrial consumers of coal produced in Districts 1, 2, 3, 4, and 6 and high volatile coal produced in Districts 7 and 8.* You are prohibited from receiving during any calendar month any coal produced in Districts 1, 2, 3, 4, and 6, or any high volatile coal produced in Districts 7 and 8,<sup>9</sup> in amounts greater than those shown on the Stock Limitation Table set forth below. The Table operates as follows: Column 1 indicates the consumers' estimated days' supply, as calculated pursuant to the provisions of § 602.711. The remaining columns show the maximum percentage of monthly consumption requirements which the consumer may receive. Column 2 and Column 3 apply to receipts by public utilities (as defined in § 602.701 (1)) except to the extent that they purchase coal for special purpose use (as defined in § 602.701 (b)). Column 4 and Column 5 apply to receipts by all other industrial consumers of coal except to the extent that they purchase coal for special purpose use (as defined in § 602.701 (b)). Column 3 and Column 5 apply to the same class of industrial consumers covered by Column 2 and Column 4, respectively, only to the extent that they receive coal shipped by tidewater and consigned directly to the consumer at a dock or other unloading facility in New York Harbor, New England or Canada.

<sup>8</sup> The designation of mines contained in the Minimum Price Schedules of the former Bituminous Coal Division shall be the basis for determining whether coal is low or high volatile coal for the purposes of this regulation.

STOCK LIMITATION TABLE FOR COAL PRODUCED IN DISTRICTS 1, 2, 3, 4, AND 6, AND HIGH VOLATILE COAL PRODUCED IN DISTRICTS 7 AND 8 (EXCEPT SPECIAL PURPOSE COAL)

Days' supply	Maximum percentage of monthly consumption requirements				
	Public utilities		Other industrial consumers		
	Column 1	Column 2	Column 3	Column 4	Column 5
Less than 15 days	110	110	110	110	110
15 to 19 days	110	110	105	110	105
20 days	110	110	100	105	105
21 to 25 days	105	110	(1)	103	
26 to 29 days	105	110	(1)	105	105
30 days	105	105	(1)	100	100
31 to 34 days	105	105	(1)	(1)	
35 days	100	105	50	(1)	
36 to 39 days	(1)	105	50	(1)	
40 days	(1)	105	50	(1)	
41 to 44 days	(1)	105	50	(1)	
45 days	(1)	100	50	50	
46 to 50 days	(1)	(1)	50	50	
51 to 55 days	50	(1)	50	50	
56 to 60 days	50	(1)	50	50	
61 days or more	50	50	50	50	

<sup>1</sup> An amount of coal not in excess of that required to reduce the industrial consumer's stockpile to base by the end of the month for which the coal is ordered. An industrial consumer's base is that days' supply at which he is permitted to receive 100 per cent of his monthly consumption requirements, as indicated in the table.

(c) *Restrictions on receipts by industrial consumers of low volatile coal produced in Districts 7 and 8.* You are prohibited from receiving during any calendar month any low volatile coal produced in Districts 7 and 8<sup>10</sup> in amounts greater than those shown on the Stock Limitation Table set forth below. The table operates in the same manner as the table set forth in paragraph (b) of this section.

STOCK LIMITATION TABLE FOR LOW VOLATILE COAL PRODUCED IN DISTRICTS 7 AND 8 (EXCEPT SPECIAL PURPOSE COAL)

Days' supply	Maximum percentage of monthly consumption requirements				
	Public utilities		Other industrial consumers		
	Column 1	Column 2	Column 3	Column 4	Column 5
Less than 15 days	110	110	105	110	110
15 days	110	110	100	110	110
16 to 19 days	105	110	(1)	105	105
20 days	105	110	(1)	105	105
21 to 24 days	105	105	(1)	105	105
25 days	100	105	(1)	100	100
26 to 29 days	(1)	105	(1)	(1)	
30 days	(1)	105	50	(1)	
31 to 34 days	(1)	105	50	(1)	
35 days	(1)	100	50	(1)	
36 to 40 days	(1)	(1)	50	(1)	
41 to 45 days	50	(1)	50	50	50
46 to 50 days	50	(1)	50	50	50
51 days or more	50	50	50	50	50

<sup>1</sup> An amount of coal not in excess of that required to reduce the industrial consumer's coal on hand to base by the end of the month for which the coal is ordered. An industrial consumer's base is that days' supply at which he is permitted to receive 100 percent of his monthly consumption requirements as indicated in the table.

(d) *Restrictions on receipts by industrial consumers of coal produced in Districts 9, 10, 11 and 13.* If you are a consumer of coal whose days' supply exceeds 90 days, you are prohibited from receiv-

<sup>10</sup> The designation of mines contained in the minimum price schedules of the former Bituminous Coal Division shall be the basis for determining whether coal is low or high volatile coal for the purposes of this regulation.

<sup>8</sup> This provision modifies the original requirements of SFAW Regulation No. 25 to prevent depletion of consumers' stockpiles on May 15, 1945.

ing during any calendar month any coal produced in Districts 9, 10, 11 and 13 in an amount greater than 100 per cent of your monthly consumption requirements, without first obtaining permission from the SFAW Area Distribution Manager for the district in which the coal is produced.

(e) *Restrictions on receipts by industrial consumers of coal produced in Districts 5, 12, 14-23, inclusive, and Canada.* You are not presently restricted in the amount of coal which you may receive from Districts 5, 12, 14-23, inclusive, and Canada.

NOTE: Coal produced in these districts shall be included in calculating days' supply under § 602.711.

(f) *Restrictions on receipts by industrial consumers of coal produced in more than one district.* You will note that under this section more stringent restrictions are imposed on receipts of coal produced in some districts than in others. If you receive coal from any two districts having different restrictions, you are prohibited from receiving more coal in the aggregate during any calendar month than you may receive under this regulation from the more liberal district from which you buy. Moreover, you are prohibited from receiving during any calendar month more coal from the less liberal district from which you buy than you would be permitted to receive if you bought coal only from that district.

If you receive coal from three districts having different restrictions, you are prohibited from receiving more coal in the aggregate during any calendar month than you may receive under this regulation from the most liberal district from which you buy; you may not receive from the least liberal district more coal than you would be permitted to receive if you bought only from that district, and you may not receive from the next most liberal district any amount of coal greater than the difference between the amount you are permitted to receive from that district and the amount you receive from the least liberal district.

§ 602.716 *Restrictions on receipts by domestic consumers.* If you are a domestic consumer (as defined in § 602.701 (j)), this section is applicable to you.

(a) *Restrictions on receipts.* (1) You are prohibited from receiving during the period April 1, 1945 to March 31, 1946, more than 80 per cent of your consumption requirements for such period, less the amount of coal in your stockpile as of April 1, 1945.

(2) You are prohibited from receiving during the period April 1, 1945 to August 31, 1945, more than 50 per cent (to the nearest carload, bargeload, or truckload) of your consumption requirements for the entire period April 1, 1945 to March 31, 1946.

(b) *Consumer Declaration to be filed.* You are prohibited from receiving any coal unless you have filed with your supplier (whether producer, wholesaler, or retail dealer) a Consumer Declaration on the form prescribed for Consumer Declarations under SFAW Regulation No. 26. Wherever practicable deliveries of coal to you shall be consistent with the provisions of SFAW Regulation No.

26 governing deliveries of coal to domestic consumers.

*Provisions Applicable to Receipts of Coal by Retail Dealers*

NOTE: Sections 602.717 and 602.718 apply to retail dealers. To the extent that you deliver or otherwise dispose of coal physically handled in a truck, wagon or other less than carload facility without regard to quantity or frequency of delivery, you are a retail dealer.

§ 602.717 *Effect and operation of preference—(a) Dealers must file orders promptly.* Under § 602.703 shippers of coal are required to accord second preference in their shipments to orders of retail dealers previously served by them. You will note that under § 602.703 (d) shippers are required to make certain minimum shipments to retail dealers entitled to this preference. You will also observe that under § 602.703 (f), shippers are required to notify retail dealers of the amount of coal which the dealer is entitled to receive, the amount of coal which the shipper expects to ship and the time when the dealer should place his orders to assure regular shipments to him. If you promptly order all coal which you are entitled to receive under this regulation, you will make it possible for your supplier to furnish you with your fair share of coal. If you do not place your orders promptly or make reasonable arrangements with your supplier to accept coal when offered, you may lose the protection accorded you by the preference provisions of this regulation. If a retail dealer does not agree to accept minimum shipments of coal when offered by a shipper under reasonable terms, the shipper is no longer required by this regulation to make such minimum shipments.

(b) *How deficiencies are met.* In the event that a shipper notifies you, pursuant to § 602.703 (f), that he will be unable to ship you the full amount of coal to which you are entitled to a preference under this regulation, you should arrange to obtain tonnage to the extent of the deficiency from another shipper or shippers who may be in a position to supply you. When you have completed these arrangements, you should request the shipper to obtain from the SFAW Area Distribution Manager in the district in which the coal is produced (or, in the case of District 7, from Mr. W. G. Caperton, Solid Fuels Administration for War, Washington 25, D. C.) specific authorization to make such shipment to you.

§ 602.718 *Restrictions on receipts by dealers.* You are prohibited from receiving any coal in those sizes set forth in § 602.703 (b) if you are not entitled to receive such coal under the preference accorded to you by this regulation. However, if the amount of coal you are permitted to receive is insufficient for you to supply your customers who are industrial consumers and who require coal in those sizes, you may apply for specific authorization to obtain additional coal. If you file such a request, you shall indicate the name of each industrial consumer to whom you expect to ship coal in those sizes set forth in § 602.703

(b); the tonnage by sizes, which you delivered to each such consumer during the period April 1, 1944 to March 31, 1945; the tonnage, by sizes, which you expect to deliver to each such consumer during the period April 1, 1945 to March 31, 1946; and the specific use to which the coal is put by each such consumer. You shall also indicate the aggregate amount of coal in those sizes set forth in § 602.703 (b) which you received during the period April 1, 1944 to March 31, 1945, and the aggregate amount of such coal which you expect to receive during the period April 1, 1945 to March 31, 1946. A request for additional coal to meet the needs of industrial consumers shall be filed with the SFAW Area Distribution Manager for the district in which the coal is produced. However, in the case of District 7, such request shall be filed with Mr. W. O. Caperton, Solid Fuels Administration for War, Washington 25, D. C.; retail dealers who receive coal from commercial tidewater dock operators shall file their requests with Mr. Borden Covel, SFAW Area Distribution Manager, 17 Court Street, Boston, Massachusetts; retail dealers (other than those located in the Lower Peninsula of the State of Michigan) who receive coal from commercial lake dock operators shall file their requests with Mr. Milton Almer, SFAW Area Distribution Manager, 520 New York Life Building, 129 South 5th Street, Minneapolis 2, Minnesota; retail dealers located in the Lower Peninsula of the State of Michigan who receive coal from commercial lake dock operators shall file their requests with Mr. Edward C. Crowley, SFAW Area Distribution Manager, 2210 Penobscot Building, Detroit, Michigan.

Your receipts of coal in sizes other than those set forth in § 602.703 (b) are not specifically restricted, except that you are prohibited from receiving during the period April 1, 1945 to March 31, 1946, more coal in the aggregate in all sizes than:

(1) Your total receipts from April 1, 1943 to March 31, 1944; or

(2) Your total receipts from April 1, 1944 to March 31, 1945, whichever amount is greater.

NOTE: Deliveries by retail dealers to their customers are restricted by the provisions of this regulation and SFAW Regulation No. 26.

Retail dealers will not be permitted to receive additional quantities of coal for domestic consumers except when necessary to prevent hardship to the community. Requests for such additional coal shall be made through the appropriate SFAW Committee on Local Distribution and the SFAW Area Distribution Manager for the area in which the retail dealer is located. Retail dealers are warned that they should not accept more orders from domestic consumers than they will be able to fill from tonnage which they are permitted to receive under this regulation. Accordingly, the number of Consumer Declarations accepted by a retail dealer will not be considered evidence of the needs of a community in considering a request by an individual retail dealer for additional tonnage.

*Provisions of General Applicability*

§ 602.719 *Assistance to persons unable to obtain sufficient coal.* Any person who is informed that a supplier will be unable to fill a commitment or order for coal to which such person is entitled

under the provisions of this regulation shall:

(a) Endeavor, consistent with this regulation, to secure such coal from other suppliers;

(b) Request, if he so desires, assistance in obtaining such coal by filing a written request, in duplicate, with the Area Distribution Manager for the area from which the coal would have been obtained under the commitment or order. Such written request shall be accompanied by a copy of the commitment or order which is not expected to be filled and a statement indicating the extent to which the commitment or order is not expected to be filled.

**§ 602.720 Data to be preserved and made available.** All persons shall, on behalf of SFAW, keep and preserve for a period of not less than two years all written orders, confirmations of orders and Consumer Declarations served upon them pursuant to the provisions of this regulation and all records of shipments made pursuant thereto. These orders, confirmations, Consumer Declarations and records of shipments shall, upon request, be submitted for inspection, copy and audit by the duly authorized representatives of SFAW.

Each SFAW Area Distribution Manager is authorized to require any shipper of coal to furnish to him a detailed report of his shipments whenever, in the judgment of the Area Distribution Manager, such information is necessary to effectuate the purposes of this regulation.

**§ 602.721 Effect of representations.** All statements required by this regulation to be contained in written orders, confirmations of orders and Consumer Declarations, as well as those to be contained in reports required to be filed, shall be deemed made to SFAW. Any person disposing of coal may rely upon any statement or representation made by a purchaser pursuant to this regulation.

**§ 602.722 Damages for breach of contract.** No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this regulation.

**§ 602.723 Violations.** Any person who violates any provision of this regulation or who, by any statement or omission, falsifies any records which he is required to keep, or who certifies false or misleading information to the Solid Fuels Administration for War or any person who obtains bituminous coal by means of a false or misleading statement, may be prohibited from delivering or receiving any material under priority control. SFAW may also take any other action deemed appropriate including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code, 18 U.S.C. sec. 80 (any person found guilty of violating that statute may be fined not more than \$10,000 or imprisoned for not more than ten years, or both) or under the Second War Powers Act, 15 U.S.C. sec. 633, as amended (any person found guilty of violating that statute may be fined not more than \$10,000 or imprisoned for not more than one year, or both).

**§ 602.724 Official interpretations.** No interpretation of this regulation is authorized or official unless it is in writing and signed by the Administrator, the Deputy Administrator or the General Counsel of SFAW. Inquiries and communications with reference to the meaning and application of this regulation may be addressed to the Solid Fuels Administration for War, Washington 25, D. C., or to the appropriate Area Distribution Manager of SFAW.

**§ 602.725 Applications for modification or exception.** Applications for modification of or exception from any provision of this regulation shall be filed in triplicate, with the Area Distribution Manager or with the Solid Fuels Administration for War, Washington 25, D. C. Applications shall set forth in detail the grounds for requesting relief and information supporting the request.

**Effect on other SFAW regulations.** The provisions of this regulation shall supersede the provisions of SFAW Regulation No. 23, as amended (9 F.R. 8114, 19437, 14712; 10 F.R. 730, 893, 1089), except that this shall have no effect upon civil or criminal liabilities incurred under the provisions of that regulation.

**Effect of exceptions from provisions of SFAW Regulation No. 23.** All exceptions from provisions of SFAW Regulation No. 23, as amended, granted prior to the effective date of this regulation are revoked and cancelled.

**Effective date.** The provisions of this regulation shall become effective immediately except that provisions governing required or permissible coal shipments or limitations upon coal shipments shall apply only in respect to shipments on or after 12:01 a. m., April 1, 1945.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

**NOTE:** The reporting provisions of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 14th day of March 1945.

HAROLD L. ICKES,  
Solid Fuels Administrator for War.

APPENDIX A—BITUMINOUS COAL PRODUCING DISTRICTS<sup>1</sup>

**District 1.** The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntington, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga, Warren.

Armstrong County, all mines on and served by the P. & S. R. R. on the west bank of the Allegheny River, and all mines east of the Allegheny River except those mines on and served by the Conemaugh Division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley Branch of the Baltimore and Ohio Railroad.

<sup>1</sup> The bituminous coal producing Districts 1-13 listed in this appendix are as originally defined in the Annex to the Bituminous Coal Act of 1937 and as amended by orders of the Bituminous Coal Division.

Indiana County, north of but excluding the Saltsburg Branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrence, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, Tucker.

**District 2.** The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington, Crawford.

Armstrong County, all mines on and served by the Conemaugh Division of the Pennsylvania Railroad and all mines west of the Allegheny River excluding those mines on and served by the P. & S. R. R.

Indiana County, including all mines served on the Saltsburg Branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley Branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrence, east.

**District 3.** The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

**District 4.** All coal-producing counties in Ohio.

**District 5.** All coal-producing counties in Michigan.

**District 6.** The following counties in West Virginia: Brooke, Hancock, Marshall and Ohio.

**District 7.** The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River Branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork Branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River Branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert Branch of the Virginian Railway lying east of and including the Town of Marianna, and that portion served by the main line and the Glen Rogers Branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig, Roanoke, Chesterfield, Henrico, Powhatan.

Tazewell County, that portion served by the Dry Fork Branch to Cedar Bluff and from Bluestone Junction to Buissevain Branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge Branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge Branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

**District 8.** The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell. Fayette County, west of, but not including mines of the Gauley River Branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork Branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River Branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert Branch of the Virginian Railway lying west of the town of Marianna, West Virginia.

The following counties in Virginia: Dickenson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge Branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork Branch of Norfolk and Western Railroad and Branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands—Jewell Ridge Branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Rockcastle, Wayne, Whitley, Estill, Powell, Lewis, Rowan, Clinton, Madison, Menifree, Pulaski, Wolfe.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Roane, Scott, Putnam, Pickett.

The following counties in North Carolina: Lee, Chatham, Moore.

**District 9.** The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster, Edmonson, Caldwell.

**District 10.** All coal-producing counties in Illinois.

**District 11.** All coal-producing counties in Indiana.

**District 12.** All coal-producing counties in Iowa.

**District 13.** All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker, Chattooga.

The following counties in Tennessee: Marion, Grundy, Hamilton, Franklin, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

#### APPENDIX B

Where Form SFA No. 79 shall be filed

1-----	J. N. Geyer, Post Office Bldg., 11th Ave. and 12th St., Altoona, Pa.
2-----	Harry A. Sutter, 1512-20 Henry W. Oliver Bldg., Pittsburgh 22, Pa.
3-----	Frank C. Shriner, Jacobs Bldg., Monroe & Meredith Sts., Fairmont, W. Va.
4 and 6-----	Howard A. Smith, 501 Bulkley Bldg., 1501 Euclid Ave., Cleveland 15, Ohio.
7-----	W. G. Caperton, Solid Fuels Administration for War, Department of the Interior, Washington 25, D. C.
8-----	Wayne P. Ellis, 610 Transportation Bldg., 4th & Sycamore St., Cincinnati 2, Ohio.
9-----	Harry Rightmire, Dulin Bldg., 125 South Main St., Madisonville, Ky.
10-----	J. C. Fitzpatrick, 1160 Merchandise Mart, 222 W. No Bank Dr., Chicago 54, Ill.
11-----	William G. Stockton, Chamber of Commerce Bldg., 324 North Meridian St., Indianapolis 4, Ind.
12-----	Gilford D. Miller, 225-227 U. S. Federal Office Bldg., 5th and Court Ave., Des Moines 9, Iowa.

District:	Where Form SFA No. 79 shall be filed	Sec.	
13-----	Howard J. Thomas, 706 Chamber of Commerce Bldg., 1829 First Ave. N., Birmingham 3, Ala.	602.770	Reports.
14 and 15-----	E. N. Ahlfeldt, New York Life Bldg., 16-24 West Ninth St., Kansas City 6, Mo.	602.771	Review of base period tonnage adjustments.
16, 17 and 18-----	R. B. Griffith, 718-721 Boston Bldg., 828-17th St., Denver 2, Colo.	602.772	Transfers of base period tonnage.
19, 20 and 22-----	J. E. Parker, 462 Union Pacific Bldg., Annex, 19 W. S. Temple St., Salt Lake City, Utah.	602.773	Wholesalers without a base period tonnage may distribute anthracite to wholesalers only.
23-----	J. H. Gatewood, 6630 White-Henry-Stuart Bldg., 4th Ave. and University St., Seattle, Wash.	602.774	Action under this and other regulations.
	[F. R. Doc. 45-4138; Filed, Mar. 16, 1945; 11:44 a. m.]	602.775	Evasion prohibited.
		602.776	National Anthracite Distribution Committee; Supply and Distribution Subcommittee; Regional Anthracite Distribution Committees.
		602.777	Records.
		602.778	Audit and inspection.
		602.779	Damages for breach of contract.
		602.780	Violations.
		602.781	Applications for modification and exception; inquiries and communications.
		602.782	Official interpretations.

AUTHORITY: §§ 602.750 to 602.783, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827.

**§ 602.750 Purpose of regulation.** This regulation is designed to assure that each producer and each wholesaler of Pennsylvania anthracite arranges his distribution schedules so that each destination and the consumers therein will receive a fair share of available anthracite through normal sources of supply, so far as practicable.

**§ 602.751 Definitions.** (a) "Anthracite" means that coal which is generally referred to as Pennsylvania anthracite produced or prepared in the producing region designated in paragraph (n) of this section; and for the purposes of this regulation is limited to the following sizes: broken, egg, stove, chestnut, pea, any intermediate size between broken and pea, No. 1 buckwheat, No. 2 buckwheat (rice and any size or mixture containing any of the foregoing sizes).

(b) "Solid fuel" means any form of anthracite, semi-anthracite, bituminous, subbituminous or lignitic coals or coke (including packaged and processed fuels such as briquets, Carbonite, Solarite and Disco.)

(c) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons.

(d) "Producer" means any person to the extent that he is engaged in the business of mining or preparing anthracite.

(e) "Wholesaler" means any person (including a producer and a lake or tidewater dock operator) to the extent that he has, receives or purchases anthracite for distribution all-rail, via lake, or via tidewater, to consumers, retail dealers, lake and tidewater dock operators, or other wholesalers; and also any person to the extent that he distributes anthracite to over-the-road truckers pursuant to § 602.760.

(f) "Lake dock operator" means any person to the extent that he receives anthracite by water from transshipping facilities on the Great Lakes.

(g) "Retail dealer" means any person (including the retail outlet, branch or department of one who is also a pro-

ducer, wholesaler or lake or tidewater dock operator) to the extent that he distributes anthracite in any transaction, except a transaction between a wholesaler and an over-the-road trucker, involving the disposal of anthracite physically handled in a truck, wagon or other less than carload facility, without regard to quantity or frequency of delivery.

(h) "Equipped retail dealer" means any retail dealer who has both storage facilities and truck scales. "Unequipped retail dealer" means any retail dealer except an equipped retail dealer.

(i) "Over-the-road trucker" means any person who, during the base period, received anthracite by truck from a mine or preparation plant located in the producing region designated in paragraph (n) of this section and who distributed such anthracite to any person outside of said producing region; and also means any person licensed by SFAW to receive anthracite by truck from such a mine or preparation plant and to distribute such anthracite to any person outside of said producing region.

(j) "War veteran" means any person who has been discharged or released from active service in any of the armed forces of the United States under conditions other than dishonorable.

(k) "Domestic consumer" means (1) any person (public or private) to the extent that he acquires solid fuels for any use in any house, apartment house, hotel or other dwelling; (2) any person (public or private) to the extent that he acquires solid fuel for any use in any of the following buildings; schools, churches and meeting houses, courthouses, prisons, police or fire stations, libraries, museums, banks, offices or office buildings, stores and retail or service establishments of any kind (except commercial bakeries or laundries), passenger terminals and depots (airplane, railroad, trolley, bus, ship or ferry), warehouses, garages, restaurants, taverns or bars, gymnasiums, auditoriums, theatres, club or lodge houses or rooms, places of amusement, dancing studios, zoos, stables and kennels; and (3) any person (public or private) to the extent that he acquires solid fuel for a building or plant not specifically referred to above in this paragraph if the entire amount of solid fuel used at such building or plant is used for space heating, the domestic heating of water or domestic cooking.

(l) "Industrial consumer" means any person (public or private) who consumes solid fuel to the extent that he is not a domestic consumer.

(m) "Distribution" means shipment, delivery, sale or other disposal.

(n) "Retail distribution within the producing region" means all sales or deliveries of anthracite at retail to domestic or industrial consumers (other than mine employees) within the following townships and boroughs in the following ten counties in Pennsylvania:

*Carbon County: Townships: Banks, Lehigh, Mahoning, Mauch Chunk and Packer.*

*Boroughs: Mauch Chunk and East Mauch Chunk.*

*Columbia County: Townships: Beaver, Conyngham, Locust, Mifflin, and Roaring Creek.*

*Dauphin County: Townships: Jackson, Jefferson, Lykens, Rush, Wiconisco, and Williams.*

*Lackawanna County: All townships.*

*Lebanon County: Cold Spring and Township only.*

*Luzerne County: All townships except Ross, Fairmont and Huntington.*

*Northumberland County: Townships: Coal, East Cameron, West Cameron, Mount Carmel, Upper Mahanoy, and Zerbe.*

*Schuylkill County: All townships.*

*Susquehanna County: Clifford Township only.*

*Wayne County: Townships: Clinton and Canaan.*

(o) "Distribution to mine employees" means distribution of anthracite to all employees of producers living in the vicinity of the mining operations.

(p) "This fuel year" means the period April 1, 1945, to March 31, 1946, inclusive.

(q) "Base period" means the period from April 1, 1942, to March 31, 1943, inclusive, except that with respect to No. 2 buckwheat (rice) the base period applicable to shipments to destinations in the United States means the period April 1, 1943 to March 31, 1944, inclusive. Under this definition, the base period with respect to No. 2 buckwheat (rice) shipments to destinations in the Dominion of Canada is the period April 1, 1942 to March 31, 1943, inclusive.

(r) "Base period tonnage" means the total number of tons of anthracite distributed by any person to any person during the base period, except excludable tonnage as defined in this regulation. Base period tonnage consists of three separate tonnages for all statistical and regulatory purposes, as follows:

(1) A total base period tonnage for the following sizes: broken, egg, stove, chestnut, pea, and any intermediate size.

(2) A base period tonnage for No. 1 buckwheat; and

(3) A base period tonnage for No. 2 buckwheat (rice).

The persons as between whom base period tonnages are established under this regulation are specified in §§ 602.754, 602.759, 602.760, 602.761 (b), 602.763 and 602.769. "Base period tonnage as adjusted" means the base period tonnage as increased or decreased by SFAW. Increases or decreases heretofore made by SFAW shall continue in effect until modified or cancelled by SFAW.

(s) "Available tonnage" means the total tonnage of anthracite which a producer or wholesaler has, in any calendar month, for distribution after deducting the tonnage lawfully distributed or scheduled for distribution in that calendar month as follows:

(1) Pursuant to SFAW directions;

(2) To mine employees to the extent permitted by § 602.753;

(3) For distribution to retail dealers for delivery within the producing region to the extent permitted by § 602.754;

(4) To truckers of mine supplies in the manner and to the extent permitted by § 602.755;

(5) As excludable tonnage, to the extent permitted by §§ 602.756 and 602.757;

(6) To domestic consumers in the manner and to the extent permitted by § 602.758.

(t) "Excludable tonnage" means only that tonnage of anthracite lawfully dis-

tributed or scheduled for distribution in any calendar month by producers or wholesalers directly, or through retail dealers, to the following, each of which shall be considered a separate category:

(1) United States Army, Navy, Marine Corps, Coast Guard, the Maritime Commission, Veterans Administration or the War Shipping Administration within the limitations agreed to by each such service or agency and SFAW;

(2) Any industrial consumer subject, however, to the restrictions imposed by §§ 602.756 and 602.757;

(3) Any person for use in poultry brooders or hatcheries to the extent permitted under SFAW Revised Regulation No. 5 and subject to the restrictions imposed by § 602.756.

(u) "Maximum lawful tonnage" means the maximum number of tons of available tonnage which, under this regulation, a person is required or permitted to distribute to another person. This maximum is (1) up to but not in excess of 80 per cent of the base period tonnage, as adjusted, of sizes broken, egg, stove, nut, pea and any intermediate size as one category of sizes, (2) up to but not in excess of 80 per cent of the base period tonnage, as adjusted, of No. 1 buckwheat as a separate size category, and (3) up to but not in excess of 90 per cent of the base period tonnage, as adjusted, of No. 2 buckwheat (rice) as a separate size category.

(v) "To the maximum extent practicable" means to the fullest extent possible and consistent with physical operating limitations such as available manpower, equipment and transportation, but shall in no event be deemed to permit non-compliance with the provisions of this regulation for pecuniary reasons or to facilitate the distribution of unregulated sizes of anthracite or other commodities not subject to this regulation.

(w) "Excess tonnage" means that portion of the available tonnage of anthracite which on a cumulative basis from April 1, 1945 to the end of any calendar month exceeds the tonnage necessary to distribute the maximum lawful tonnage to retail dealers and others as required in §§ 602.759 and 602.760.

(x) "Deficiency in tonnage" means a tonnage of anthracite which, on a cumulative basis from April 1, 1945 to the end of any calendar month, equals the difference between the available tonnage of anthracite and the tonnage necessary to distribute the maximum lawful tonnage pursuant to §§ 602.759 and 602.760.

(y) "Plus wholesaler" means a wholesaler who has excess tonnage; "Minus wholesaler" means a wholesaler who has a deficiency in tonnage.

(z) "Destination" means any city, town, village or community: *Provided, however, That with respect to New York City, the boroughs of Manhattan and*

Bronx as a unit, Brooklyn and Queens as a unit, and the borough of Richmond, shall be treated as three separate destinations.

(aa) "Regulation" means a regulation, order, direction or instruction of SFAW unless otherwise specifically indicated.

(bb) "Ton" means 2,000 pounds.

(cc) "SFAW" means Solid Fuels Administration for War.

**§ 602.752 Conditions under which anthracite may be distributed or received.** No producer, wholesaler, retail dealer or over-the-road trucker shall distribute or receive any regulated size of anthracite unless expressly authorized to do so by regulation. Any producer, wholesaler, retail dealer or over-the-road trucker who distributes or receives any regulated solid fuel in a manner or in an amount not expressly authorized by regulation may, to the extent necessary or appropriate in assuring the equitable distribution of solid fuel, be precluded in whole or in part by SFAW from distributing or receiving solid fuel. In appropriate circumstances and pursuant to SFAW Regulation No. 14, SFAW will reconsign, divert or re-route in transit any solid fuel shipped by a producer or wholesaler.

**§ 602.753 Distribution by producers to mine employees.** Notwithstanding other provisions of this regulation, a producer, during this fuel year, may deliver and supply, or arrange for the delivery or supply of, the full annual requirements for anthracite of his mine employees.

**§ 602.754 Retail distribution by producers to retail dealers for delivery within the producing region.** Notwithstanding other provisions of this regulation, a producer, during this fuel year, may deliver or arrange through retail dealers for the delivery of anthracite at retail to domestic and industrial consumers (other than mine employees) in the producing region, up to but not in excess of the base period tonnage, as adjusted, established by SFAW for each such producer in respect to such retail distribution in the producing region. In making deliveries of anthracite to such consumers, a retail dealer (including the retail outlet of a producer or wholesaler) shall obtain a consumer declaration from each domestic consumer and must comply with the other provisions of SFAW Regulation No. 26.

**§ 602.755 Distribution by producers to truckers of mine supplies.** Upon receipt of a truckload of mine supplies for use in mining operations, a producer may deliver to the trucker who hauled such mine supplies, one truckload of anthracite; *Provided, however*, That before making any such delivery of anthracite the producer shall obtain from the trucker a statement filled out and signed by the trucker, as follows:

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

Bureau of the Budget No. 42-R 749  
Approval Expires March 31, 1946

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
SOLID FUELS ADMINISTRATION FOR WAR

I have this day delivered to \_\_\_\_\_

(Insert producer's

-----, one truckload  
name and location of colliery)  
of mine supplies and I have received from that  
producer one truckload consisting of \_\_\_\_\_  
tons of anthracite which I will deliver to \_\_\_\_\_

(Insert destination and name of retail dealer,  
-----. The last load of anthracite consist-  
if any)

ing of \_\_\_\_\_ tons which I received from this  
colliery, I delivered to \_\_\_\_\_

(Insert destination and

name of retail dealer, if any)

To the extent that I am making deliveries  
of anthracite to consumers, I am observing  
the provisions of SFAW Regulation No. 26.

I understand that all of the foregoing statements are representations to the Solid Fuels Administration for War and that any wilfully false statement, in a matter within the jurisdiction of a department or agency of the United States, is a criminal offense and that I may be subject to criminal penalties for making such false statement. I also understand that Section 35 (A) of the Criminal Code (18 U.S.C. 80) provides, upon conviction, for a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both.

-----  
(Signature of trucker)

Date: \_\_\_\_\_

Sales Ticket No. \_\_\_\_\_

State License No. of Truck. \_\_\_\_\_

**§ 602.756 Distribution of excludable tonnage by wholesalers.** (a) Unless required by § 602.759 or § 602.760 to distribute available tonnage to a particular retail dealer or to a particular over-the-road trucker, a wholesaler shall not distribute any category of excludable tonnage to an equipped retail dealer or over-the-road trucker without first obtaining the written permission of SFAW.

(b) During this fuel year, no wholesaler may distribute any category of excludable tonnage to any retail dealer or to any over-the-road trucker in excess of the total of that category of excludable tonnage distributed by such wholesaler to such retail dealer or over-the-road trucker during the period April 1, 1943 to March 31, 1944, inclusive, unless and until the wholesaler has been notified by SFAW that (1) the retail dealer or over-the-road trucker has filed a written statement in duplicate with the appropriate Regional Representative of SFAW, setting forth, among other things, the name and address of the consumer who claims to need the increased tonnage; the use to which such anthracite will be put; the tonnage of each size required; and the name and address of the wholesaler that will supply the coal; and (2) SFAW has authorized the shipment of such tonnage.

(c) During this fuel year, no wholesaler may distribute any category of excludable tonnage except that specified in § 602.751 (t) (1) to any consumer in excess of the total of that category of excludable tonnage distributed by such wholesaler to such consumer during the

period April 1, 1943 to March 31, 1944, inclusive, unless SFAW has authorized the shipment of such tonnage upon application of the consumer filed pursuant to the procedure established by paragraph (b) of this section.

**§ 602.757 Distribution by wholesalers to industrial consumers and industrial stockpile limitations.** (a) During the period April 1, 1945 to August 31, 1945, inclusive, no wholesaler may distribute to any industrial consumer, and no such person may acquire from all sources combined, anthracite in an amount which, when added to the anthracite in the possession or under the control of such person, exceeds the consumption requirements of such person for a period of 60 days from the date of such distribution.

(b) During the period September 1, 1945 to March 31, 1946, inclusive, no wholesaler may distribute to any industrial consumer, and no such person may acquire from all sources combined, anthracite in an amount which, when added to the anthracite in the possession or under the control of such person, exceeds the consumption requirements of such person for a period of 30 days from the date of such distribution.

**§ 602.758 Distribution by producers or wholesalers to domestic consumers (except mine employees).** A producer or wholesaler may distribute anthracite to a domestic consumer (except a mine employee) in amounts limited to what such consumer may receive from a retail dealer pursuant to the provisions of SFAW Regulation No. 26: *Provided, however*, That the restrictions of § 602.675 (c) of that regulation shall not apply to rail shipments to consumers whose normal annual requirements amount to only one railroad car and who customarily receive anthracite in a railroad car lot. Each producer or wholesaler who distributes anthracite to a domestic consumer shall obtain from such consumer a Consumer Declaration upon the form prescribed by SFAW Regulation No. 26 and in accordance with the provisions thereof.

**§ 602.759 Distribution by wholesalers of available tonnage—(a) Distribution to retail dealers.** (1) Except as otherwise provided in subparagraph (2) of this paragraph, paragraphs (b) and (c) of this section and in § 602.760, each wholesaler (including a lake or tidewater dock operator) shall arrange his schedule for the distribution of his available tonnage so that during this fuel year, on the basis, to the maximum extent practicable, of regular equal monthly shipments, he shall have supplied the maximum lawful tonnage of anthracite to each retail dealer in the United States and Canada with whom he has an established base period tonnage.

(2) In the event that a wholesaler is unable to make equal monthly shipments to a retail dealer who advises in writing that he does not have storage facilities to accommodate all of the tonnage of either No. 1 buckwheat or No. 2 buckwheat (rice) which may be shipped to him pursuant to paragraph (a) of this section, and that he cannot dispose of

such coal upon receipt, such wholesaler may accelerate shipments of either No. 1 buckwheat or No. 2 buckwheat (rice) to other retail dealers in the United States prior to December 1, 1945, without regard to equal monthly shipments to such retail dealers. However, in no event shall the tonnage shipped to each retail dealer during this fuel year exceed the total tonnage permitted by this regulation to be shipped by such wholesaler to each such retail dealer. In addition, the total tonnage of either No. 1 buckwheat as one size category or No. 2 buckwheat (rice) as another size category, shipped by such wholesaler to retail dealers in the aggregate in any calendar month, shall in no event exceed 1/12 of the total tonnage permitted by this regulation to be shipped by such wholesaler to retail dealers in the aggregate during this fuel year.

(b) *Distribution to lake dock operators.* Each wholesaler (excluding a lake dock operator) shall arrange his schedule for the distribution of his available tonnage via the Great Lakes so that by November 1, 1945, on the basis, to the maximum extent practicable, of regular equal monthly shipments to that date, he shall have shipped the maximum lawful tonnage of anthracite to the same lake docks and the same lake dock operators in the United States and Canada (whether they are wholesalers or equipped retail dealers, or both) with whom he has an established base period tonnage.

(c) *Distribution to retail dealers at designated ice-bound ports.* Each wholesaler may, and upon direction of SFAW shall, arrange his schedule for the distribution of his available tonnage so that by November 1, 1945, on the basis, to the maximum extent practicable, of regular equal monthly shipments to that date, he shall have shipped by water the maximum lawful tonnage of anthracite to each retail dealer (including tide-water dock operators to the extent that they are retail dealers) with whom he has an established base period tonnage, located at such ice-bound ports in the United States and Canada as are designated in Appendix B or as may be designated subsequently by SFAW.

§ 602.760 *Distribution by wholesalers to over-the-road truckers.* This section governs the distribution of anthracite (except that referred to in §§ 602.753, 602.754 and 602.755) moving by truck from a mine or preparation plant located in the producing region designated in § 602.751 (n) to any person outside such region.

(a) During this fuel year, no wholesaler may distribute anthracite to over-the-road truckers in the aggregate in an amount which exceeds the maximum lawful tonnage of the aggregate tonnage, as adjusted, distributed to such persons during the base period.

(b) No wholesaler may distribute anthracite to an over-the-road trucker and no such person may receive anthracite unless he shall first obtain a written license from the Regional Representative of SFAW at Wilkes-Barre, Pennsylvania, permitting him to receive anthracite from a particular wholesaler. If a

wholesaler has records which establish the number of tons distributed to an over-the-road trucker during the base period, then that amount, as adjusted by SFAW, will be established in the license as the base period tonnage of that trucker: *Provided, however,* That a wholesaler may request SFAW not to issue a license to an over-the-road trucker who has failed to obtain any anthracite from him during the period March 1, 1944 to March 1, 1945. If a wholesaler does not have records which establish the number of tons distributed to an over-the-road trucker during the base period, then said Regional Representative will establish a base period tonnage for such over-the-road trucker and issue a license to him predicated upon tonnages which such trucker lawfully obtained from such wholesaler pursuant to applicable regulations during the period April 1, 1944 to March 31, 1945, inclusive. In addition, said Regional Representative, pursuant to instructions issued by SFAW, may establish a base period tonnage not to exceed 1,000 tons and issue a license therefor to a war veteran as an over-the-road trucker, or he may issue special licenses for specific tonnages to any over-the-road trucker. Any license issued is subject to review and adjustment of the tonnage designated and any such license may be suspended or revoked by SFAW because of a violation by licensee of any applicable regulation.

(c) Each wholesaler shall arrange his schedule for the distribution of his available tonnage of anthracite to over-the-road truckers so that during this fuel year, on the basis, to the maximum extent practicable, of regular equal monthly amounts, he shall have supplied the maximum lawful tonnage to each over-the-road trucker licensed to receive anthracite from him.

In the event that an over-the-road trucker distributed anthracite to retail dealers in the base period, he is required to distribute anthracite received pursuant to this section to each retail dealer with whom he has an established base period tonnage, in accordance, so far as practicable, with the provisions of § 602.759 (a). In distributing anthracite to domestic and industrial consumers, an over-the-road trucker must comply with the provisions of SFAW Regulation No. 26.

(d) If in any calendar month during this fuel year a licensed over-the-road trucker fails to send trucks to a mine or preparation plant to receive his proportionate share of the available tonnage of the wholesaler with whom he has an established base period tonnage, such uncalled-for tonnage shall be distributed at the election of the wholesaler (1) to persons pursuant to the provisions of § 602.759, or (2) to wholesalers pursuant to the provisions of § 602.761, or (3) he may apply to the SFAW Regional Representative at Wilkes-Barre, Pennsylvania, for the issuance of licenses for specific tonnages to other over-the-road truckers in an amount sufficient to absorb such uncalled-for tonnage, or (4) he may credit such tonnage to the licensed over-the-road trucker who failed to call for it and distribute it to such trucker within

60 days of the last day of the month in which the tonnage accrued.

(e) Before making any distribution of anthracite pursuant to this section, a wholesaler shall obtain the signature of the licensed over-the-road trucker (or his agent) together with his SFAW license number on the weighmaster's certificate covering each load of anthracite distributed. A copy of each such document, including the signature and license number, shall be deemed to be a representation to SFAW and shall be kept by the wholesaler for inspection, copy and audit by any duly authorized representative of SFAW.

§ 602.761 *Distribution by wholesalers of excess tonnage to other wholesalers (excluding lake dock operators).* (a) Except as provided in paragraph (b) of this section and in § 602.762 (a), each wholesaler shall, to the maximum extent practicable, arrange with another wholesaler of his own selection (excluding lake dock operators but including any other wholesaler or wholesalers in the United States or Canada) for regular distribution each month of all his excess tonnage to or for the account of such wholesaler or wholesalers. No wholesaler in the United States may distribute anthracite pursuant to this section to any wholesaler in Canada who has not been authorized in writing by the Canadian Coal Controller to receive anthracite from wholesalers in the United States.

No wholesaler in the United States may receive anthracite pursuant to this section except upon condition that he will distribute such anthracite strictly in accordance with this regulation.

(b) In order to assure a fair apportionment of excess tonnage as between wholesalers (except lake dock operators) in the United States and wholesalers (except lake dock operators) in Canada, the following special provisions and restrictions are necessary. In making the computations required by subparagraph (2) of this paragraph, tonnages shall be excluded that have been accounted for in determining shipments required by § 602.759 (b).

(1) There is hereby established as the base period tonnage between each wholesaler in the United States and wholesalers in Canada in the aggregate, the total tonnage of anthracite shipped by such wholesaler in the United States to or for the account of all wholesalers in Canada during the base period.

(2) Each wholesaler in the United States shall determine the percentage of the total tonnage shipped by him during the base period to or for the account of all wholesalers, in the United States and Canada, that was shipped by him to or for the account of wholesalers in Canada in the aggregate.

(3) No wholesaler in the United States shall, during any calendar month in this fuel year, ship a greater percentage of his excess tonnage to or for the account of wholesalers in Canada in the aggregate than the percentage determined in subparagraph (2) of this paragraph (b).

(4) Subject to the further restriction imposed by subparagraph (3) of this paragraph (b), no wholesaler in the United States shall ship or schedule for

shipment to or for the account of wholesalers in Canada in the aggregate during this fuel year, a tonnage of anthracite which exceeds the maximum lawful tonnage to wholesalers in Canada in the aggregate.

**§ 602.762 Disposition of excess tonnage by SFAW.** (a) In order to assure equitable distribution, SFAW will issue such directions as may be necessary requiring the distribution of excess tonnage not distributed by a wholesaler pursuant to § 602.761. If, within 30 days from the date of issuance, a wholesaler fails to comply in full with such a direction, SFAW will reconsign, divert or re-route a sufficient number of railroad cars shipped by the directed wholesaler and in transit to complete the requirements of the direction. If a wholesaler fails to distribute excess tonnage in accordance with the provisions of § 602.761 (a) within a period of 30 days from the last day of the month in which such excess tonnage accrued, SFAW will issue a direction to such wholesaler requiring him to distribute all his excess tonnage for a period not to exceed 60 days to one or more specific minus wholesalers. The issuance of one such direction shall not preclude SFAW from subsequently issuing another similar direction to the same wholesaler.

(b) If it appears to SFAW that estimated production of domestic sizes, No. 1 buckwheat or No. 2 buckwheat (rice) as three separate categories of sizes of anthracite during any calendar month or months in this fuel year is likely to exceed the maximum lawful tonnage which may be distributed during such month or months pursuant to §§ 602.759 and 602.760, then SFAW will declare such size or sizes to be in excess for such month or months. All wholesalers will be notified of such determination and will be authorized, after making shipments of excludable tonnage and shipments permitted or required under §§ 602.754, 602.755, 602.759 and 602.760 during said month or months, in the period April 1, 1945 to October 31, 1945, inclusive, to dispose of such size or sizes determined to be in excess, as follows, at their election:

(1) Either stockpile such excess size or sizes at or near the mine for future distribution during this fuel year to persons in accordance with the provisions of §§ 602.759 and 602.760, or

(2) Accelerate distribution of such excess size or sizes uniformly to each person to whom distribution may be made pursuant to §§ 602.759 and 602.760 who is willing and able to accept such accelerated shipments. Tonnage so accelerated shall be considered as a part of the maximum lawful tonnage that may be distributed to each such person during this fuel year.

During the period November 1, 1945, to March 31, 1946, inclusive, tonnages of size or sizes determined by SFAW to be in excess may be distributed to any person that the wholesaler chooses. Distribution so made will not be considered as the basis for reducing the maximum lawful tonnage to be distributed under this regulation during succeeding months

to any dealer or other person receiving excess tonnage.

**§ 602.763 Distribution by equipped retail dealer to unequipped retail dealers.** (a) Each equipped retail dealer (including a lake dock operator or a tidewater dock operator to the extent that he is also an equipped retail dealer) shall arrange his distribution schedule so that during this fuel year, on the basis, to the maximum extent practicable, of regular equal monthly instalments, he shall have supplied the maximum lawful tonnage of anthracite to each unequipped retail dealer with whom he has an established base period tonnage.

(b) If in any calendar month during this fuel year an unequipped retail dealer fails to send trucks to the yard of the equipped retail dealer to receive his proportionate share of the tonnage of the equipped retail dealer with whom he has an established base period tonnage, such equipped retail dealer may, subject to the restrictions of applicable regulations, distribute to other unequipped retail dealers or to consumers a tonnage equivalent to such undelivered tonnage.

(c) On or before the 10th day of May 1945, and on or before the 10th day of each succeeding calendar month, each equipped retail dealer who is required to distribute anthracite to unequipped retail dealers pursuant to this section shall post at his yard or make readily available to unequipped retail dealers a written notice setting forth the percentage of the equipped retail dealer's total receipts during the preceding calendar month of the domestic sizes of anthracite as a unit, No. 1 buckwheat as one size category, and No. 2 buckwheat (rice) as another size category in relation to  $\frac{1}{2}$  of his total adjusted base period tonnage of each such size category. The SFAW Regional Representative for the region in which the equipped retail dealer has his place of business may request, and any such dealer, upon such request, shall furnish him with, a copy of such notice.

(d) In distributing anthracite to unequipped retail dealers pursuant to this section, no equipped retail dealer shall discriminate between unequipped retail dealers in the kind, size or quality of anthracite distributed or in the time within which such distribution is made, nor shall he adopt any other practice or procedure which is designed to discriminate or results in discrimination in the distribution of anthracite between unequipped retail dealers. In appropriate circumstances and to prevent any such discrimination, SFAW may direct an equipped retail dealer to distribute anthracite in equal weekly instalments to one or more unequipped retail dealers or it may transfer the base period tonnage, as adjusted, of one or more unequipped retail dealers to another equipped retail dealer and reduce proportionately the base period tonnage, as adjusted, established between the offending retail dealer and his suppliers.

**§ 602.764 Suppliers must not discriminate between persons entitled to receive anthracite.** (a) If in any calendar month during this fuel year the available tonnage of a producer, wholesaler,

equipped retail dealer or over-the-road trucker is not sufficient to enable him to supply each person to whom he is required to distribute anthracite by any of the provisions of §§ 602.759, 602.760 or 602.763 with the appropriate monthly portion of the base period tonnage, as adjusted, of each such person, such supplier shall, during that month, apply a uniform percentage of reduction in shipments to each person to whom he is required to distribute anthracite pursuant to any of said sections.

(b) In distributing anthracite to over-the-road truckers, no wholesaler shall discriminate between licensed truckers as to the particular operation from which anthracite may be obtained, or as to the kind or quality of anthracite distributed, or in the time within which distribution may be made. No wholesaler shall adopt any other practice or procedure which is designed to discriminate or results in discrimination in the distribution of anthracite between licensed over-the-road truckers.

**§ 602.765 Reductions in maximum lawful tonnage generally not retroactive.** If the supply of anthracite is such that SFAW determines that it is necessary to decrease the maximum lawful tonnage of the domestic sizes, No. 1 buckwheat or No. 2 buckwheat (rice) as three separate categories of sizes to be distributed pursuant to this regulation, then such change shall not be retroactive in effect beyond the first day of the calendar month in which such change is made. If any change is made after the 15th day of any calendar month, it shall not become effective until the first day of the succeeding calendar month. Distribution made subsequent to any change shall be made at a rate not in excess of the amount specified in an amendment to this regulation. Distribution made prior to such an amendment at a rate in excess of the amount permitted by the amendment, but not in excess of 80 percent of the base period tonnage, as adjusted, shall not be taken into account in computing maximum lawful tonnage to be distributed pursuant to this regulation.

**§ 602.766 Receipts by retail dealers and over-the-road truckers restricted.** Except as provided in § 602.759 (a) (2), § 602.760 (d) and § 602.762 (b), no retail dealer and no over-the-road trucker may receive (a) from all sources combined, a tonnage of anthracite which either exceeds the maximum lawful tonnage which he may receive from each of the producers, wholesalers or equipped retail dealers who supplied him during the base period or (b) any anthracite which a producer, wholesaler or equipped retail dealer is not authorized to ship under this regulation.

No retail dealer or over-the-road trucker may receive anthracite except on condition that he will distribute it in accordance with SFAW Regulation No. 26 or other applicable regulations.

**§ 602.767 Retail dealers must increase their supply of solid fuels by purchasing reclaimed beehive and run-of-oven beehive coke.** It is the obligation of retail dealers who receive anthracite under

this regulation to take all reasonable and necessary steps to increase their supply of solid fuels to the extent necessary to assure that the minimum essential solid fuels requirements of the communities which they serve will be met. For this purpose, each retail dealer individually and the retail dealers collectively at any destination shall promptly make arrangements for the receipt, consistent with other applicable regulations, in the spring, summer and fall of substantial tonnages of reclaimed beehive and run-of-oven beehive coke or other solid fuels which may be needed to avoid hardship during any part of this fuel year.

**§ 602.768 Suppliers must advise persons entitled to receive anthracite of base period tonnages as adjusted.** (a) Within 30 days of the date this regulation is issued, each wholesaler shall notify in writing each over-the-road trucker and each retail dealer to whom he made shipments during the base period of the actual tonnage of anthracite in each of the three separate categories of sizes shipped during the base period, including any adjustments thereof approved by SFAW. One copy of such notice shall be forwarded to the Regional Representative of SFAW for the region in which the retail dealer has his place of business, or, in the case of an over-the-road trucker, to the Regional Representative at Wilkes-Barre, Pennsylvania, and one copy of such notice shall be forwarded to the Solid Fuels Administration for War, Washington 25, D. C. The figures shown on such notification shall be subject to review as to accuracy and may be increased or decreased by SFAW. If a wholesaler does not have records which established the number of tons distributed to each over-the-road trucker during the base period, such wholesaler, within 30 days of the date this regulation is issued, shall furnish the SFAW Regional Representative at Wilkes-Barre, Pennsylvania, a list giving the name of each over-the-road trucker to whom he distributed anthracite from April 1, 1944 to March 31, 1945, inclusive, together with the tonnage in each of the three categories of sizes lawfully distributed to each such trucker during the latter period.

(b) Within 30 days of the date this regulation is issued, each equipped retail dealer shall notify in writing each un-equipped retail dealer to whom he distributed anthracite during the base period, of the actual tonnage of anthracite in each of the three separate categories distributed during the base period including any adjustments thereof approved by SFAW. The figures shown on such notification shall be subject to review as to accuracy and may be increased or decreased by SFAW. The Regional Representative for the region in which an equipped retail dealer has his place of business may request, and such dealer shall upon such request furnish him with, a copy of any or all of such notifications.

**§ 602.769 Method of establishing base period tonnage for war veteran retail dealer.** Notwithstanding other provisions of this regulation, any person may distribute anthracite to any equipped or

unequipped retail dealer who (a) has been discharged or released from active service in any of the armed forces of the United States, under conditions other than dishonorable, and (b) did not by reason of his service in any of the armed forces of the United States receive anthracite during each month of the base period, and (c) did not sell, transfer or assign his equipment and business, or either, to a person now engaged in the retail distribution of anthracite in the same community formerly served by such war veteran retail dealer. Such distribution may not be in excess of the maximum lawful tonnage of the anthracite distributed by him to such retail dealer during the 12-month period (hereinafter referred to as "war veteran's base period tonnage") immediately preceding the cessation of retail dealer activities because of the entrance of such retail dealer into the armed forces of the United States. If such person and the war veteran retail dealer differ as to the amount of anthracite distributed to such retail dealer during his war veteran's base period, or if such retail dealer believes that his war veteran's base period tonnage figure should be adjusted, application may be made to the appropriate Regional Representative of SFAW for determination of the war veteran's proper base period tonnage figure. The Regional Representative will immediately consider the information presented to him by such person or war veteran retail dealer and recommend to SFAW the war veteran's base period tonnage to be established for such dealer. Pending the establishment by SFAW of such war veteran's base period tonnage figure, such war veteran retail dealer may obtain from any wholesaler during any calendar month  $\frac{1}{2}$  of the tonnage shown by the wholesaler's records to have been shipped to such war veteran retail dealer during the twelve months preceding the commencement of his service in the armed forces. In addition, the Regional Representative of SFAW at Wilkes-Barre, Pennsylvania, may, pursuant to instructions issued by SFAW, issue a license to a war veteran to receive not to exceed 1,000 tons of anthracite as an over-the-road trucker.

**§ 602.770 Reports.** (a) Each person participating in any transaction to which any portion of this regulation applies shall execute and file with SFAW reports and questionnaires on forms to be designated from time to time by SFAW.

All reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

(b) Each producer and each wholesaler shall, on forms prescribed by SFAW, report in writing to Solid Fuels Administration for War, Washington 25, D. C., on or before the 10th day of May 1945 and the 10th day of each month thereafter, (1) the actual tonnage produced, prepared or purchased and the actual tonnage shipped during the preceding full calendar month, and (2) the actual tonnage produced, prepared or purchased and actual tonnage shipped,

shown cumulatively from April 1, 1945 to the end of that same calendar month. The report shall set forth the tonnages of broken, egg, stove, chestnut, pea and any intermediate size as a single total covering the domestic sizes, the tonnage of No. 1 buckwheat as a separate total and the tonnage of No. 2 buckwheat (rice) as a separate total.

(c) From the information contained in the reports required by paragraph (b) of this section, SFAW shall publish once each month figures showing the percentage position of each wholesaler in sufficient detail to enable all producers, wholesalers and retail dealers to do their part in carrying out the purposes and provisions of this regulation.

(d) On or before April 25, 1945, each producer and each wholesaler shall file with Solid Fuels Administration for War, Washington 25, D. C., an estimate, as accurate as it can be, of the total number of tons of anthracite which will be required under this regulation during this fuel year for (1) mine employees, (2) retail distribution within the producing region, and (3) distribution by producers to truckers of mine supplies, as more fully provided in §§ 602.753, 602.754 and 602.755, respectively.

(e) Not later than the date specified in this paragraph, each producer, wholesaler and lake or tidewater dock operator shall file with the Solid Fuels Administration for War, Washington 25, D. C., on forms prescribed by it, detailed information and data with respect to the production, inventories, purchases and distribution of anthracite for the periods indicated below:

(1) Not later than October 15, 1945, for the period April 1, 1945 to September 30, 1945, inclusive;

(2) Not later than April 15, 1946, for the period April 1, 1945 to March 31, 1946, inclusive.

**§ 602.771 Review of base period tonnage adjustments.** SFAW will review increases in base period tonnages previously authorized and will make such downward adjustments as are appropriate in order more effectively to secure an equitable distribution of the available supply of anthracite.

**§ 602.772 Transfers of base period tonnage.** (a) If SFAW determines that a wholesaler has discontinued business or has ceased to distribute anthracite to the over-the-road truckers or equipped retail dealers to whom he made distribution during the base period, SFAW, after considering the recommendation of the National Anthracite Distribution Committee, may direct any wholesaler to make shipments of anthracite to all or any of the over-the-road truckers or equipped retail dealers who fail to receive anthracite by reason of the circumstances recited in this paragraph.

(b) If an equipped retail dealer discontinues business, each wholesaler who supplied such retail dealer with anthracite in the base period shall promptly notify SFAW in writing. SFAW, after consulting the wholesalers supplying such retail dealer, may transfer the base period tonnage, as adjusted, established between such wholesalers and such retail dealer, to another equipped retail

dealer or other equipped retail dealers located at or near the same destination and authorize or direct such wholesalers to make distribution to such other equipped retail dealer or dealers.

**§ 602.773 Wholesalers without a base period tonnage may distribute anthracite to wholesalers only.** No wholesaler who does not have an established base period tonnage with one or more equipped retail dealers, over-the-road truckers or lake dock operators shall distribute anthracite to any person without first obtaining written permission of SFAW. Permission to ship anthracite to wholesalers will be granted any such wholesaler who files an application setting forth his name, address, and, if the applicant is a corporation, the names and addresses of the principal officers of such corporation, and the source or sources of the anthracite which the applicant expects to distribute. Said application must be accompanied by a statement from one or more wholesalers who have an established base period tonnage with one or more retail dealers, stating that said wholesaler will purchase anthracite from the applicant and will distribute it in accordance with applicable regulations.

**§ 602.774 Action under this and other regulations.** (a) A producer or wholesaler to whom a direction is issued by SFAW pursuant to this regulation is required to acknowledge promptly in writing the receipt of the direction and advise SFAW that he will comply therewith.

(b) Directions heretofore or hereafter issued by SFAW, prohibiting or requiring shipment of anthracite, shall be complied with notwithstanding the provisions of this regulation. Directions issued after the effective date of this regulation requiring the distribution of excess tonnage for the month of March 1945 should be complied with notwithstanding the provisions of this regulation.

(c) Nothing contained in this regulation shall be deemed to preclude SFAW from taking appropriate action under SFAW Regulation No. 1, as amended or revised, or under any other regulation heretofore or hereafter issued.

**§ 602.775 Evasion prohibited.** Persons are prohibited from evading any of the provisions of this regulation through a reincorporation, reorganization, arrangement or device of any kind occurring prior or subsequent to the effective date of this regulation, and the successor in interest of any person shall be deemed fully bound by the provisions of this regulation with the same force and effect as though the predecessor had remained in existence. No person subject to this regulation shall change his method of doing business for the purpose of evading any of the provisions of this regulation and no such person shall continue any such evasive practice which may have been entered into subsequent to April 1, 1943. Any person who has any doubts concerning the applicability of this section to his business activities should forthwith make written inquiry of the General Counsel of the Solid Fuels

Administration for War, Washington 25, D. C.

**§ 602.776 National Anthracite Distribution Committee; Supply and Distribution Subcommittee; Regional Anthracite Distribution Committees.** (a) The National Anthracite Distribution Committee shall continue to advise and make recommendations to SFAW with reference to matters of general policy and administration under this regulation. The committee shall consist of: five representatives of the producers, at least one of whom shall be from each of the three anthracite producing regions (Wyoming, Lehigh and Schuylkill), two representatives of the wholesalers, and three representatives of retail dealers, and such other members of the solid fuels industry as the Solid Fuels Administration for War may appoint from time to time.

(b) The Chairman of the National Anthracite Distribution Committee shall, with the approval of SFAW, appoint from the membership of said committee a subcommittee composed of any four members representing producers and wholesalers, which subcommittee shall be known as the Subcommittee on Supply and Distribution. It shall be the function of such subcommittee each month to recommend to the National Anthracite Distribution Committee the distribution of excess tonnage, if any, which should be made in order to carry out the purposes and provisions of this regulation, and the National Anthracite Distribution Committee shall, as soon as feasible thereafter, submit to SFAW its recommendations with regard to the distribution of excess tonnage which should be made.

(c) The Regional Anthracite Distribution Committee created for each of the regions defined and set forth in Appendix A, attached hereto and made a part hereof, shall continue to advise with and make recommendations to SFAW with reference to the administration of the provisions of this regulation for their respective regions. Each such committee shall continue to consist of two producers, one wholesaler, and two retail dealers appointed by the Solid Fuels Administrator for War. Recommendations of the Regional Anthracite Distribution Committee in respect to matters of general policy or such other matters as may be specified by SFAW may be referred by SFAW to the National Anthracite Distribution Committee for its consideration and recommendation to SFAW.

**§ 602.777 Records.** Each person participating in any transaction to which any portion of this regulation applies shall keep and preserve for a period of two years accurate and complete records of all the details of all such transactions.

**§ 602.778 Audit and inspection.** All records required to be kept by this regulation shall, upon request, be submitted for inspection, copy and audit by any duly authorized representative of SFAW.

**§ 602.779 Damages for breach of contract.** No person shall be held liable under any contract for damages or penalties for any default which shall result directly or indirectly from compliance with this regulation.

**§ 602.780 Violations.** (a) It is a violation of this regulation for a producer, wholesaler or equipped retail dealers to condition his required or permissible shipments to any person upon the performance by such other person of an act which violates this regulation or any other applicable law of the United States.

(b) Any person who violates any provision of this regulation or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to SFAW, and any person who obtains a delivery of anthracite by means of a wilfully false or misleading statement may be precluded in whole or in part from shipping or receiving anthracite and may be prohibited from delivering or receiving any material under priority control. SFAW may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code [18 U.S.C. sec. 80 (any person found guilty of violating that statute may be fined not more than \$10,000 or imprisoned for not more than ten years, or both)].

**§ 602.781 Applications for modification and exception; inquiries and communications.** (a) Any application for modification of or exception from any provision of this regulation shall be filed in triplicate with the Solid Fuels Administration for War, Washington 25, D. C. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

(b) All complaints, inquiries and communications with reference to the administration of this regulation shall be addressed to the Regional Office of SFAW for the area primarily concerned with such complaint, inquiry or communication, or to the Solid Fuels Administration for War, Washington 25, D. C.

(c) The Washington office of SFAW may refer applications for modification of or exception from the provisions of this regulation or any complaints, inquiries and communications relating to the administration of the regulation, to the appropriate Regional Office of SFAW for advice and recommendation.

**§ 602.782 Official interpretations.** No interpretation of this regulation is authorized or official unless it is in writing and signed by the Administrator, the Deputy Administrator, or the General Counsel of SFAW.

SFAW Revised Regulation No. 18, as amended, is hereby revoked: *Provided, however, That civil or criminal liabilities resulting from violations of that regulation shall not be affected by this regulation.*

This regulation may be cited as SFAW Regulation No. 28.

This regulation shall take effect at 12:01 a. m. on April 1, 1945.

Issued this 14th day of March 1945.

HAROLD L. ICKES,  
Solid Fuels Administrator for War.

## APPENDIX A

Regional Anthracite Distribution Committees have been established for each of the following regions:

Region No. 1—New York City and Westchester, Nassau and Suffolk Counties;

Region No. 2—New York, excluding that portion of the State described as being included in Region No. 1;

Region No. 3—New Jersey;

Region No. 4—Pennsylvania;

Region No. 5—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont;

Region No. 6—Delaware, Maryland, Virginia, and the District of Columbia.

## APPENDIX B—DESIGNATION OF ICEBOUND PORTS

To implement the provisions of § 602.759 (c) of this regulation, the following are designated as icebound ports:

Augusta, Bangor, Blue Hill, Brewer, Bucksport, Gardiner, Hallowell and Richmond, all in the State of Maine.

Westerly, Rhode Island.

[F. R. Doc. 45-4139; Filed, Mar. 15, 1945; 11:45 a.m.]

[SFAW Reg. 29]

## PART 602—GENERAL ORDERS AND DIRECTIVES

## DISTRIBUTION OF COKE, BRIQUETTES AND PROCESSED FUEL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of solid fuels for defense, for private account and for export; and this regulation is deemed necessary and appropriate in the public interest and to promote the national defense.

Sec.

602.800 Scope of regulations.

602.801 Definitions.

602.802 Reports and statements of distribution policies by producers.

602.803 Reports and statements of distribution policies by wholesalers.

602.804 Deviation from stated policies generally prohibited without SFAW approval.

602.805 Information furnished by producers and wholesalers to retail dealer customers.

602.806 Stated policies subject to SFAW directions.

602.807 Reporting requirements.

602.808 Records.

602.809 Audit and inspection.

602.810 Violations.

602.811 Damages for breach of contract.

602.812 Application for modification and exception; inquiries and communications.

602.813 Official interpretations.

AUTHORITY: §§ 602.800 to 602.813, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9129, 7 F.R. 2719; WPB Dir. 33, as amended, 9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827.

§ 602.800 Scope of regulation. This regulation concerns the distribution of coke, briquettes, and processed fuel by producers and wholesalers. It is applicable to such fuel when delivered or otherwise disposed of to retail dealers and to wholesalers and intended for use by domestic consumers in the following areas: The District of Columbia, the States east of the Mississippi River; the States of Iowa, Louisiana, Minnesota, North Dakota and South Dakota; and

the City of St. Louis and St. Louis County, Missouri. (Deliveries to domestic consumers are governed by Regulation No. 26, §§ 602.650-602.669.)

§ 602.801 Definitions. As used in this regulation:

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(b) "Producer" means a manufacturer or processor of coke, briquettes, or processed fuel.

(c) "Wholesaler" means any distributor, jobber, forwarder, commercial dock operator (river, lake, or tidewater) or other person (except a retail dealer) who resells solid fuel.

(d) "Retail dealer" means any person (including the retail outlet, branch or department of one, who is also a producer, wholesaler or commercial dock operator) to the extent that he delivers or otherwise disposes of solid fuel physically handled in a truck, wagon, or other less-than-carload facility without regard to quantity or frequency of delivery.

(e) "Equipped retail dealer" means any retail dealer who has both storage facilities and truck scales. "Unequipped retail dealer" means any retail dealer except an equipped retail dealer.

(f) "Coke" means coke that is produced from bituminous coal, except that, for the purpose of this regulation only, it does not include reclaimed beehive coke and run-of-oven beehive coke. "Coke" also means coke produced from petroleum.

(g) "Domestic coke" means coke intended for use by a domestic consumer.

(h) "Briquettes" means bituminous or anthracite coal, or both, or petroleum carbon, mixed with a binder and pressed into bricks or other shapes, and includes packaged fuel.

(i) "Bituminous coal" includes all bituminous and subbituminous coal.

(j) "Anthracite" means that coal which is generally referred to as Pennsylvania anthracite produced or prepared in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna and Wayne.

(k) "Processed fuel" includes such fuels as Carbonite, Solarite, Disco and similar fuels.

(l) "Domestic consumer" means (1) any person (public or private) to the extent that he acquires solid fuel for any use in any house, apartment house, hotel or other dwelling; or (2) any person (public or private) to the extent that he acquires solid fuel for any use in any of the following buildings: schools, churches and meeting houses, courthouses, prisons, police or fire stations, libraries, museums, banks, offices or office buildings, stores and retail or service establishments of any kind (except commercial bakeries or laundries), passenger terminals and depots (airplane, railroad, trolley, bus, ship or ferry), warehouses, garages, restaurants, taverns or bars, gymnasiums, auditoriums, theatres, club or lodge houses or rooms, places of amusement, dancing studios, zoos, stables and kennels; or (3) any

person (public or private) to the extent that he acquires solid fuel for use at a building or plant not specifically referred to above in this paragraph if the entire amount of solid fuel used at such building or plant is used for space heating, the domestic heating of water, or domestic cooking.

(m) "Solid fuel" means any form of bituminous, subbituminous and lignitic coals; anthracite and semianthracite; briquettes; processed fuel; and coke.

(n) "Ton" means 2,000 pounds.

(o) "SFAW" means Solid Fuels Administration for War.

§ 602.802 Reports and statements of distribution policies by producers. Each producer of coke, briquettes or processed fuel who delivers or otherwise disposes of any of such solid fuel to retail dealers, or to wholesalers for resale to retail dealers, shall, on or before April 20, 1945, file with the Solid Fuels Administration for War, Washington, D. C., a report setting forth the following information:

(a) The total tonnage of coke, the total tonnage of briquettes, and the total tonnage of processed fuel, which he expects to have available for domestic consumers during the period April 1, 1945, to March 31, 1946, and the total tonnage of each such fuel which he delivered or otherwise disposed of during the period April 1, 1944, to March 31, 1945, and intended for use by domestic consumers. Whenever it appears that the available supply for the period April 1, 1945, to March 31, 1946, will differ from the report of estimated available supply by 10 per cent or more, a revised estimate shall forthwith be reported to SFAW.

(b) A general description of the geographical area served by him.

(c) A statement indicating his general policy as to the distribution, during the period from April 1, 1945, to March 31, 1946, of coke, briquettes, and processed fuel, as among his wholesaler customers, his retail dealer customers and his direct domestic consumer trade. This statement should include an estimate as to the percentage of his available supply of each such fuel which he expects to deliver or otherwise dispose of to each of the three aforesaid classes of trade; and the reasons for, and the extent of, any contemplated differences in such policy from the policy followed during the period from April 1, 1944, to March 31, 1945.

(d) A statement indicating his general policy as to the distribution, during the period April 1, 1945, to March 31, 1946, of coke, briquettes, and processed fuel, as among his retail dealer customers. This statement shall disclose (1) whether the retail dealers to whom he expects to ship during that period are the same as those to whom he shipped during the period April 1, 1944, to March 31, 1945, (2) the names of any retail dealers to whom he shipped during the fuel year, April 1, 1944, to March 31, 1945, but to whom he does not expect to ship during the period April 1, 1945, to March 31, 1946, and the reasons therefor, (3) the names of any dealers to whom he expects to ship during the period April 1, 1945, to March 31, 1946, but to whom he did not ship during the fuel year, April 1, 1944, to

March 31, 1945, and (4) the reasons for, and the extent of, any contemplated change in policy from that followed during the fuel year, April 1, 1944, to March 31, 1945, as to shipments to any particular dealer or group of dealers.

(e) In addition to the foregoing, each producer of coke produced from bituminous coal shall at the same time report the tonnage of his anticipated shipments by states during the period April 1, 1945, to March 31, 1946, and the monthly rate at which he expects to ship into each state.

§ 602.803 *Reports and statements of distribution policies by wholesalers.* Each producer of coke, briquettes or processed fuel who distributes to wholesalers, any such fuel intended for use by domestic consumers, shall obtain from each such wholesaler on or before April 1, 1945, a report containing the information required of producers by § 602.802, so as to enable the producer to submit the same to SFAW with the report required of him by that section; and each such wholesaler is hereby required to furnish such information to his supplier in accordance with the provisions of this regulation. Any such wholesaler, if he so desires, may submit his report directly to SFAW, in lieu of submitting it to his supplier, provided he notifies his supplier, on or before April 1, 1945, that he is submitting his report directly to SFAW.

§ 602.804 *Deviation from stated policies generally prohibited without SFAW approval.* During the period April 1, 1945, to March 31, 1946, no producer or wholesaler of coke, briquettes, or processed fuel shall deviate substantially from the broad policies outlined in the report required to be filed by the provisions of § 602.802 without prior approval by SFAW: *Provided, however,* That no prior approval need be obtained when such deviation is made pursuant to an emergency, in which case the producer or wholesaler shall report to SFAW the extent of the deviation and the nature of the emergency, within three days after such deviation.

§ 602.805 *Information furnished by producers and wholesalers to retail dealer customers.* On or before May 1, 1945, each producer and wholesaler shall furnish to each retail dealer to whom he expects to ship coke, briquettes or processed fuel during the period April 1, 1945, to March 31, 1946, a statement setting forth the approximate tonnage he expects to ship during that period to such retail dealer, and the approximate rate at which he expects to so ship.

§ 602.806 *Stated policies subject to SFAW directions.* (a) Notwithstanding the distribution policies outlined in the report required by § 602.802, SFAW may from time to time issue such directives, orders, or regulations to any producer or wholesaler, as it deems necessary to obtain an equitable distribution of available solid fuel.

(b) SFAW may, in the exercise of part of the authority referred to in paragraph (a) of this section, upon notice prior to the eleventh day of any month, require the producer to reserve up to 10 percent

of his available supply of domestic coke, briquettes, or processed fuel obtained from production during that month, for the purpose of applying, currently as produced, such reserve, or such part thereof as may be necessary, to the fulfillment of any direction, order, or regulation which SFAW may issue. In acting under paragraph (b) of this section, SFAW will arrange to avoid, to the maximum extent practicable, unnecessary storage by the producer.

§ 602.807 *Reporting requirements.* The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

§ 602.808 *Records.* Each producer and wholesaler shall keep and preserve for a period of not less than two years accurate and complete records of the details of any transaction to which any portion of this regulation applies.

§ 602.809 *Audit and inspection.* All records required to be kept by this regulation shall upon request be submitted for inspection, copy and audit by duly authorized representatives of SFAW.

§ 602.810 *Violations.* Any person who wilfully violates any provision of this regulation or who by any act or omission falsifies records kept or information furnished in connection with this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both; and such person may also be prohibited from delivering or receiving any material under priority control.

§ 602.811 *Damages for breach of contract.* No producer or wholesaler shall be held liable under any contract for damages or penalties for any default which shall result directly or indirectly from compliance with this regulation.

§ 602.812 *Application for modification and exception; inquiries and communications.* Any application by a producer or wholesaler for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington, D. C. Office of SFAW. The application shall set forth in detail the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of the request for modification or exception.

Any other person subject to or affected by this regulation should address inquiries and communications or requests for relief in respect to any provision of this regulation to the Washington, D. C. Office of SFAW.

§ 602.813 *Official interpretations.* Official interpretations shall be given only in writing, signed by the Administrator, the Deputy Administrator or the General Counsel of SFAW.

*Effective date.* This regulation is effective upon date of issuance.

Issued this 14th day of March 1945.

HAROLD L. ICKES,  
Solid Fuels Administrator for War.

[F. R. Doc. 45-4140; Filed, Mar. 15, 1945;  
11:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[Operations Order 35]

#### STATE DIRECTOR OF SELECTIVE SERVICE SYSTEM FOR HAWAII

##### DELEGATION OF AUTHORITY

Under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the provisions of Local Board Memorandum No. 115, as amended February 21, 1945, are suspended as to the Territory of Hawaii.

2. That the State Director of Selective Service for the Territory of Hawaii is delegated authority to establish for local boards located in the Territory of Hawaii such standards for deferment in Class II-A and Class II-B not inconsistent with the provisions of the Selective Training and Service Act of 1940, as amended, and Selective Service Regulations as are necessary to accomplish the purposes set forth in a telegram from the State Director of Selective Service of the Territory of Hawaii to the Director of Selective Service, dated March 8, 1945.

LEWIS B. HERSHY,  
Director.

MARCH 14, 1945.

[F. R. Doc. 45-4174; Filed, Mar. 15, 1945;  
3:52 p. m.]

## Chapter IX—War Production Board

**AUTHORITY:** Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

### PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 66]

#### SEQUENCE IN SCHEDULING ORDERS FOR STEEL

The following direction is issued pursuant to CMP Reg. 1:

(a) Authorized controlled material orders for steel should be given the following preference in being placed on schedule.

(b) Where a producer of steel in controlled material form is unable to schedule all authorized controlled material orders which he has accepted in the month for which he accepted them, he should select the orders to be placed on the production schedule according to the following preference: (1) Carry-over of orders covered by steel directives, Series 5, 10 and 20, in the sequence indicated by the directives, (2) Orders covered by steel directives, Series 5, 10 and 20, in the sequence indicated by the directives, (3) Orders bearing symbol "FC" and CMP orders carried over from previous months not covered by Series 5, 10 and 20 steel directives, (4) Current CMP orders excepting those carrying the allotment symbol "Z", (5) CMP orders carrying the allotment symbol "Z", except stainless.

(c) If a producer finds it impossible to schedule all orders carried over from a previous month, plus orders covered by directives and those bearing the symbol FC, whether carry-over or otherwise, he must im-

mediately advise the appropriate Product Branch of the Steel Division, War Production Board.

Issued this 16th day of March 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-4206; Filed, Mar. 16, 1945;  
11:14 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 58  
as Amended Mar. 15, 1945]

PENICILLIN

§ 3293.1058 Schedule 58 to General Allocation Order M-300—(a) Definitions. For the purpose of this schedule:

(1) "Penicillin" means a chemotherapeutic agent isolated from *Penicillium notatum*, *P. chrysogenum* and variants. The term includes penicillin in any medicinal tablet, ampoule or other dosage form as well as crude penicillin in any form.

(2) "Primary supplier" means any person who produces or imports penicillin, or who is a primary distributor of penicillin. However, the term shall not include any retail pharmacist, hospital or physician.

(3) "Primary distributor" means any person who buys penicillin from a producer or importer for distribution with his (the primary distributor's) name on the label. However, the term shall not include any retail pharmacist, hospital or physician.

(b) General provisions. Penicillin is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is July 16, 1943, when penicillin first became subject to allocation under Order M-338 (revoked). The allocation period is the calendar month.

(c) Exemptions. Application and specific authorization are not required for the following use or delivery of penicillin:

(1) Use and delivery by any person who is not a primary supplier as defined in this schedule.

(2) Deliveries of samples to the Food and Drug Administration, Washington 25, D. C.

(3) Use by any primary supplier of samples of his own production or stock for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture or stability.

(d) [Revoked Mar. 15, 1945.]

(e) Suppliers' applications on WPB-2947. Each primary supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). Filing date is the 20th day of the month before the proposed delivery month. File separate sets of forms for crude penicillin and penicillin in dosage form. Send three certified copies to the War Production Board,

Chemicals Bureau, Washington 25, D. C., Ref: M-300-58. The unit of measure is Oxford Units.

In Table I the War Production Board may allocate aggregate quantities for civilian reallocation pursuant to paragraph (h) (1) below and for civilian distribution pursuant to paragraph (h) (2) below, respectively, without specifying individual customers' names. The applicant need not request any quantity for civilian distribution except in the case of proposed delivery to a primary distributor, in which case the name of the primary distributor and the quantity proposed to be delivered to him shall be listed specifically. In the case of other deliveries requested by any purchaser, specify the name of each customer in Column 1, specify in Column 1-a the contract, requisition or export license number, and specify in Column 4 the quantity ordered.

Fill in Table II as indicated, leaving Column 8 blank and reporting only unallocated stocks in Columns 10 and 13.

(f) Suppliers' month-end reports on WPB-2947. Each primary supplier who has received authorization on Form WPB-2947 for any month shall file a report on Form WPB-2947 not later than the 5th day of the following month. A single certified copy should be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-58. In the heading "This schedule is for deliveries to be made during the month/quarter ending \_\_\_\_\_, 19\_\_\_\_", strike out the words "to be" and "quarter" and specify the month and year for which the report is made. Fill in Column 1 as shown on the previously authorized Form WPB-2947, substitute "suppliers' actual deliveries" under Column 5 and fill in Column 5 accordingly. Leave Columns (1) (a), (4), (5) (a), (6) and (7) blank. At the bottom of Table I specify actual unallocated stocks on the last day of the month reported. Leave Table II blank.

(g) Certified statements of use. The usual end use certificates required for Appendix B materials are not required for penicillin.

(h) Penicillin for civilians. (1) From the total supply of penicillin each month the War Production Board in Washington may allocate an aggregate quantity from each supplier for delivery for general civilian distribution, subject to further allocation to specific customers by the War Production Board from the Regional Office in Chicago. This sub-allocation will usually be from the suppliers to hospitals. Hospitals shall submit application on Form WPB-3725 to the Civilian Penicillin Distribution Unit, War Production Board Regional Office, 226 West Jackson Blvd., Chicago 6, Illinois, and these applications will be screened and transmitted to the suppliers with a War Production Board authorization for shipment.

Shipments will then be made accordingly by the suppliers from the aggregate quantities allocated by the War Production Board in Washington for civilian distribution.

(2) The above Chicago reallocation procedure will be terminated as soon as possible after March 15, 1945. On that date the procedure will be initiated of releasing limited aggregate quantities of penicillin in the hands of primary suppliers for civilian distribution through ordinary channels. However, no primary supplier shall deliver any quantity of penicillin released under this paragraph to any primary distributor except pursuant to War Production Board authorization specifically naming the primary distributor and the quantity to be delivered to him. Primary suppliers shall conform to any War Production Board instructions regarding preparation and packaging of penicillin when released under this provision.

(i) Budget Bureau approval. The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) Communications to War Production Board. (1) Communications to the Civilian Penicillin Distribution Unit shall, unless otherwise directed, be addressed to: Civilian Penicillin Distribution Unit, War Production Board Regional Office, 226 West Jackson Blvd., Chicago 6, Illinois.

(2) All other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-58.

Issued this 15th day of March 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-4128; Filed, Mar. 15, 1945;  
11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289; Amdt. 22]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

1. Section 1 (p) is added to read as follows:

(p) Evaporated goats' milk.

2. Section 34 is added to read as follows:

(34) Maximum prices for evaporated goats' milk—(a) Sales by manufacturers, primary wholesalers, service wholesalers and retailers. The maximum prices for sales of evaporated goats' milk shall be as set forth in Table A below:

<sup>1</sup> 9 F.R. 5140, 5427, 5429, 5588, 5917, 5919, 5921, 6105, 7699, 10090, 10579, 10871, 11171, 13057, 13630, 14288, 14292, 14339; 10 F.R. 250.

TABLE A

	Maximum price	
	Per case of 24/14-oz. cans	Per 14-oz. can
Manufacturers.....	\$3.10	
Primary wholesalers.....	4.98	
Service wholesalers.....	5.85	
Retailers.....	7.92	\$0.33

(b) *Definitions*—(1) *Evaporated goats' milk*. Evaporated goats' milk is the product resulting from the removal of moisture from clean, sound goats' milk. It contains not less than 7% butterfat and not less than 17% of solids not fat.

(2) *Primary wholesaler*. A primary wholesaler means any person who purchases evaporated goats' milk from a manufacturer and who sells to, and delivers the product to the customary receiving point of, any other person.

(3) *Service wholesaler*. A service wholesaler means any person who purchases evaporated goats' milk from a primary wholesaler and who customarily resells to, and delivers the product to the physical premises of, a retail store.

(4) *Retailer*. A retailer means one who sells single cases or individual cans of evaporated goats' milk to ultimate household consumers.

(c) *Maximum price for any sale not previously provided for*. The maximum price for any sale of evaporated goats' milk as to which a maximum price has not been expressly established by the foregoing provisions of this section shall be \$3.10 per case of 24 14-oz. cans and 13 cents for each individual can delivered at any place in the United States.

This amendment shall become effective March 15, 1945.

Issued this 15th day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-4183; Filed, Mar. 15, 1945;  
4:33 p. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[Rev. RO 16,<sup>1</sup> Amdt. 47]

**MEAT, FATS, FISH AND CHEESES**

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 7.18 (a) (1) is amended by inserting the words "section 7.4 (e) and" between the words "any inventory reported under" and the words "section 7.7a (f)".

This amendment shall become effective March 16, 1945.

Issued this 15th day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-4184; Filed, Mar. 15, 1945;  
4:34 p. m.]

<sup>1</sup> 9 F.R. 6731, 7060, 7031, 7082, 7187, 7203, 7253, 7367, 7344, 7428, 7878, 7774, 8182, 8793, 9934, 9955, 10049, 10087, 10590, 10876, 11543, 12036, 12649, 12971.

**PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS**

[MPR 61, Amdt. 1]

**LEATHER**

**Correction**

In Federal Register Document 45-1955, appearing at page 1450 of the issue for Saturday, February 3, 1945, the reference in section 6 (d) (1) to "section 4 to 7 (d)" should read "section 4 or 7 (d)."

**PART 1382—HARDWOOD LUMBER**

[RMPR 97,<sup>1</sup> Amdt. 17]

**SOUTHERN HARDWOOD LUMBER**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 97 is amended in the following respects:

1. In § 1382.113, paragraph (a) is amended to read as follows:

(a) *Ungraded hardwood lumber, maximum prices*. The maximum prices for 1,000 feet board measure for the full product of the logs of ungraded Southern hardwood lumber produced by small mills, except such mills located in the State of Virginia, of any species or combination of species in green or dry condition, are as follows:

Lumber cut to dry to:  
Thicknesses of 1", 1 1/2" and 1 1/4"--- \$32.00  
Thicknesses of 2"----- 29.00  
Thicknesses over 2"----- 28.00

The maximum price for the full product of the logs of ungraded Southern hardwood lumber produced by small mills located in that portion of the State of Virginia within the Southern hardwood area, of any species or combination of species in green or dry condition, is \$2.00 per 1,000 feet board measure higher than the prices above.

2. In § 1382.113, paragraph (h) is amended by adding a new undesignated paragraph to read as follows:

Notwithstanding the provisions of the foregoing of paragraph (h), if the United States Army Port of Embarkation, Hampton Roads, Virginia, requests diversion of lumber from Newport News, Virginia, to Norfolk, Virginia, or from Norfolk, Virginia, to Newport News, Virginia, which diversion is contrary to the provisions of the contract covering the sale of the lumber, a charge may be made for the actual ferry charges incurred between the points of Newport News and Norfolk, Virginia provided a ferry receipt showing payment of such charges is attached to the invoice.

This amendment shall become effective March 16, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 16th day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-4227; Filed, Mar. 16, 1945;  
11:58 a. m.]

<sup>1</sup> 9 F.R. 5223; 10 F.R. 595, 1788, 1789.

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter I—Interstate Commerce Commission**

[S. O. 242-B]

**PART 95—CAR SERVICE**

**DEMURRAGE CHARGES ON CLOSED BOX CARS**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of March, A. D. 1945.

It appearing, that closed box cars are being delayed unduly in loading and unloading, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of closed box cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country; it is ordered, that:

*Demurrage charges on closed box cars.* (a) *Closed box cars not subject to an average agreement*. After the expiration of the free time allowed by tariffs lawfully on file with this Commission, the demurrage charges on a box car, not included in an average agreement, held for loading or unloading which is not loaded or unloaded within the free time shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; and \$16.50 per car per day or a fraction thereof for each succeeding day.

(b) *Closed box cars subject to an average agreement*. After the expiration of the free time allowed by tariffs lawfully on file with this Commission, the demurrage charges on a closed box car, included in an average agreement, held for loading or unloading which is not loaded or unloaded within the free time shall be \$2.20 per car per day or a fraction thereof for the first two (2) days; \$5.50 per car per day or a fraction thereof for the third day; \$11 per car per day or a fraction thereof for the fourth day; and \$16.50 per car per day or a fraction thereof for each succeeding day. The \$2.20 per day debit charges may be offset or reduced by accrued credits as provided in applicable demurrage tariffs; *Provided, however*, That the \$5.50 per day, \$11 per day, and \$16.50 per day charges may not be offset or reduced by credits earned on other cars.

(c) *Application*. (1) The provisions of this order shall apply to intrastate as well as interstate traffic.

(2) *Designation of closed box cars*. This order shall apply to closed box cars having a mechanical designation in the current official Railway Equipment Register prefixed by "X" or "V", also "BX" but only when the latter cars are used in freight service.

(3) *Service orders*. The provisions of this order shall not be construed to affect the provisions of Service Order No. 70-A (8 F.R. 14624-25) of October 22, 1943, or Service Order No. 135 (8 F.R. 9569) as amended (8 F.R. 10941).

(4) *Domestic and transshipments.* Except as provided in paragraph (c) (3) on and after the effective date of this order the provisions of this order shall apply to detention to any closed box car held for loading or unloading at any inland point or at any port, whether for domestic loading or unloading or for transshipment by water.

(5) *Demurrage charges substituted for charges for storage of freight in closed box cars.* (i) The operation of all tariff rules, regulations, and charges for storage of freight in closed box cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is suspended insofar as they provide charges lower than the charges provided herein.

(ii) In lieu of the charges for storage of freight in closed box cars at or short of ports suspended in subparagraph (5) (i) above, the applicable charges for detention of closed box cars held at or short of ports, for unloading freight consigned to or reconsigned for export, coastwise or intercoastal movement shall be the demurrage charges prescribed in paragraphs (a) and (b) of this order.

(6) *Computation of demurrage on effective date of order.* The number of days a closed box car has been held prior to the effective date of this order, counted according to demurrage tariff rules, shall determine the charges applicable on that closed box car on the first full demurrage day and all subsequent demurrage days occurring after the effective date of this order.

(d) *Effective date.* This order shall become effective at 7:00 a. m., April 1, 1945.

(e) *Expiration date.* This order shall expire at 7:00 a. m. October 1, 1945, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(f) *Tariff provisions suspended.* (1) Except as provided in section (2) of this paragraph the operation of all tariff rules, regulations or charges insofar as they conflict with the provisions of this order is hereby suspended.

(2) This order shall not affect Demurrage Rule 8 of Agent B. T. Jones' Tariff I. C. C. No. 3963 or similar rules in other tariffs, relating to the cancellation or refunding of demurrage charges arising from the unusual conditions or circumstances described in the said Rule 8 or similar rules in other tariffs.

(g) *Announcement of suspension.* Each railroad, or its agent, shall publish, file and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the conflicting provisions therein, and establishing the substituted provisions set forth herein. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-4208; Filed, Mar. 16, 1945;  
11:33 a. m.]

### Notices

#### FEDERAL RESERVE SYSTEM.

SAFEWAY FINANCE PLAN, INC., AND LOCAL FINANCE CO., ST. LOUIS, MO.

##### ORDER SUSPENDING LICENSE

Samuel Morgan, President of the Safeway Finance Plan, Incorporated, and the Local Finance Company, St. Louis, Missouri, having appeared in connection with alleged violations of Regulation W of the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), and having waived notice and opportunity for hearing before the Board and consented to the issuance of this order for the suspension of their licenses, and having agreed that:

1. Safeway Finance Plan, Incorporated, and the Local Finance Company were at all times mentioned herein and now are engaged in the business of extending loan credit through the various offices which are operated under the following trade names in the following places:

Safeway Finance Plan, Incorporated, 5899 Easton Ave., St. Louis, Mo.

Safeway Finance Plan, Incorporated, 3500 North Grand Blvd., St. Louis, Mo.

Safeway Finance Plan, Incorporated, 3626 Washington Ave., St. Louis, Mo.

Local Finance Company, 5899 Easton Ave., St. Louis, Mo.

Local Finance Company, 3500 N. Grand Blvd., St. Louis, Mo.

Local Finance Company, 3626 Washington Ave., St. Louis, Mo.

2. Safeway Finance Plan, Incorporated, and the Local Finance Company duly filed the registration statements required by the Board's Regulation W and were at all times mentioned herein and now are subject to such regulation;

3. Safeway Finance Plan, Incorporated, and the Local Finance Company pursued a course of dealing in contravention of Regulation W and negligently failed to comply with same.

Such negligent violations include (a) statements of borrower incomplete; not obtained; inaccurate, (b) statements of necessity incomplete; improperly used, (c) maximum credit value of listed articles exceeded in the making of loans the proceeds of which were used to purchase such listed articles, (d) granting of longer terms than permissible on instalment obligations, (e) violations of section 11 (a), 11 (b), and 11 (c).

The said Samuel Morgan, President of the Safeway Finance Plan, Incorporated,

rated, and the Local Finance Company having further agreed that during the period of suspension of the licenses of the Safeway Finance Plan, Incorporated, and the Local Finance Company under this order he will close all of the aforesaid offices and discontinue all business except that of receiving payments on existing loans; that upon resumption of business following the termination of this suspension period, he will conform the business of the Safeway Finance Plan, Incorporated, and the Local Finance Company to the requirements of the regulation; and that the companies will not in any manner in their future solicitations for business indicate or imply that they will grant terms which would be in contravention of the regulation.

Accordingly, the Board having considered the consent, representations, and agreements of the party named, and under authority of section 5 (b) of the act of October 6, 1917, as amended, and the Executive Order of the President No. 8843, hereby orders:

1. That the licenses of the said Safeway Finance Plan, Incorporated, and the Local Finance Company issued pursuant to the Board's Regulation W be and the same are hereby suspended for the period commencing at the close of business March 17, 1945, and ending at the opening of business March 24, 1945, unless said period is sooner terminated by the Board: *Provided*, That this order during the suspension period, shall not prohibit (a) the carrying on of regular office and accounting work, (b) the receipt of any payments through the mails or through the normal and usual collection facilities, and (c) the making of payments of any obligation, including obligations to employees for salaries or wages.

2. Any terms used in this order that are defined in Regulation W shall have the meaning therein given them.

By order of the Board of Governors of the Federal Reserve System this 14th day of March 1945.

[SEAL] CHESTER MORRILL,  
Secretary.

[F. R. Doc. 45-4173; Filed, Mar. 15, 1945;  
3:00 p. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 202-6]

SULPHUR EXPORT CORPORATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of March, A. D. 1945.

This matter being under investigation and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, April 10, 1945, at ten o'clock in the forenoon of that day (Eastern Standard Time), in hearing room of the Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony, the Trial Examiner will then close the investigation and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-4188; Filed, Mar. 16, 1945;  
10:25 a. m.]

[Docket No. 5208]

CONKLIN PEN CO., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTI-  
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of March, A. D., 1945.

In the matter of The Conklin Pen Company, a corporation, and Joseph Starr, William Starr, and Samuel M. Starr, individually, and as officers of said corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That George Biddle, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, March 30, 1945, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-4189; Filed, Mar. 16, 1945;  
10:25 a. m.]

INTERSTATE COMMERCE COMMISSION.

[SO. 70-A, Special Permit 925]

RECONSIGNMENT OF APPLES AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, March 12, 1945, by Gianukus Bemos Company, of car FGE 32723, apples, now on the C. R. I. & P. Railroad, to Conrad Schop Fruit Company, St. Louis, Mo. (Wabash).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March, 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4209; Filed, Mar. 16, 1945;  
11:33 a. m.]

[S. O. 70-A, Special Permit 926]

RECONSIGNMENT OF POTATOES AT ST. LOUIS,  
MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, March 13, 1945, by D. O. Williams Company, of car FGE 37523, potatoes, now on the Chicago, Burlington & Quincy Railroad Company, to Springfield Produce Company, Springfield, Illinois. (Wabash).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4210; Filed, Mar. 16, 1945;  
11:33 a. m.]

[S. O. 282, Special Permit 140]

ICING OF CHICORY AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, March 12 or 13, with not to exceed 3,000 pounds retop ice ART 18198 chicory, on Chicago Produce Terminal as ordered by Battistine Brothers, account orders to retop ice car at St. Louis were disregarded by carriers.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4211; Filed, Mar. 16, 1945;  
11:33 a. m.]

[S. O. 282, Special Permit 141]

ICING OF CAULIFLOWER AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, March 12, with not to exceed 3,000 lbs. retop ice, on Chicago Produce Terminal as ordered by La Mantia Brothers for PFE 62398, cauliflower, to be reconsigned to Rochester, New York.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March, 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4212; Filed, Mar. 16, 1945;  
11:34 a. m.]

## FEDERAL REGISTER, Saturday, March 17, 1945

[S. O. 282, Special Permit 142]

## REICING OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, March 12, with not to exceed 2,000 lbs. retop ice MDT 41291, lettuce, on Chicago Produce Terminal as ordered by Kroger Grocery Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4213; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 143]

## REICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, March 12, PFE 96529, peas, on Chicago Produce Terminal, with not to exceed 8,000 lbs. retop ice as ordered by American Shipping Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4214; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 144]

## REICING OF CABBAGE AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, N. J., March 12, 1945, with not to exceed 3,000 pounds of retop ice per car, cars ART 16340, and WFE 66085, both cabbage on the Pennsylvania Railroad at the Ball Grounds, as requested by Manhattan Produce Exchange.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4215; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 145]

## REICING OF SPINACH AT NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at New York, N. Y., March 12, 1945, with not to exceed 2,000 pounds of retop ice per car, cars MWX 1411 and MDT 18566, both spinach on the Pennsylvania Railroad at 37 St., as requested by Carbone Brothers.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4216; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 146]

## REICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 12 or 13, 1945, with not to exceed 3,000 pounds of retop ice, car NWX 74036, cabbage on the Wabash Railroad, as requested by R. H. Dietz Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4217; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 147]

## REICING OF CARROTS AND PEAS AT COMMUNIPAW YARDS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, March 13, with not to exceed 2,000 lbs. retop ice for each of following cars at Communipaw Yards on CRR of NJ (B. & O.) as ordered by Tassini & Salisch:

PFE 37203 carrots PFE 97897 peas  
PFE 40283 peas PFE 44861 peas  
PFE 40696 peas PFE 91863 peas

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4218; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 148]

## REICING OF CELERY AND CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 13 or 14, with not to exceed 3,000 pounds of ice per car, cars NADX 6362 and ART 20778, both cabbage, on the Wabash Railroad, and PFE 90860, celery, on the Chicago Produce Terminal, all as ordered by A. L. Kaiser & Brothers.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4219; Filed, Mar. 16, 1945;  
11:34 a. m.]

[S. O. 282, Special Permit 149]

## REICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 13, 1945, with not to exceed 4,000 pounds of retop ice, car SFRD 36586, peas, on the Chicago Produce Terminal, as ordered by Fry Distributing Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4220; Filed, Mar. 16, 1945;  
11:35 a. m.]

[S. O. 282, Special Permit 150]

## REICING OF LETTUCE AND CARROTS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, N. J., March 13, 1945, with not to exceed 2,000 pounds of retop ice per car, cars PFE 94337, 38757 and 76009, all lettuce, and SFRD 23753 and MDT 18081, both carrots, all five cars on the Erie Railroad at Croxton Yards, as ordered by P. Martorie.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4221; Filed, Mar. 16, 1945;  
11:35 a. m.]

[S. O. 282, Special Permit 151]

## REICING OF LETTUCE AND CARROTS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, N. J., March 13, 1945, with not to exceed 2,000 pounds of retop ice per car, cars NP 90422 and PFE 51904, both carrots, and PFE 16860, IC 50387 and PFE 74354, all three lettuce, all five cars on the Erie Railroad at Croxton Yards, as ordered by M. G. R. Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4222; Filed, Mar. 16, 1945;  
11:35 a. m.]

[S. O. 282, Special Permit 152]

## ICING OF PEARS AND GRAPES IN INDIANA

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for the Erie Railroad, the Wabash Railroad or the New York, Chicago & St. Louis Railroad:

To disregard the provisions of Service Order No. 282 insofar as it applies to the full bunker icing for straight or mixed carloads of pears and grapes originating on the I. C. Railroad at New Orleans, Louisiana, on and after March 10, 1945. Full bunker icing may be performed on such cars at any point in Indiana on the Erie, Wabash or NYC&StL railroads, when the cars are destined to or east of the Buffalo-Pittsburgh line.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4223; Filed, Mar. 16, 1945;  
11:35 a. m.]

[S. O. 282, Special Permit 153]

## REICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 13, 1945, with not to exceed 3,000 pounds of retop ice, car NP 90137, cabbage, on the Chicago Produce Terminal, as requested by La Mantia Brothers Arrigo.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the gen-

## FEDERAL REGISTER, Saturday, March 17, 1945

eral public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4224; Filed, Mar. 16, 1945;  
11:35 a.m.]

[S. O. 282, Special Permit 154]

REICING OF BEETS AND CARROTS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retopping, one time only, at Jersey City, N. J., March 13, 1945, with not to exceed 2,000 pounds of retop ice per car, cars PFE 76500, beets, and PFE 73251, carrots, both on the Erie Railroad at Croxton Yard, as requested by Kodish & Zwick.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1945.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 45-4225; Filed, Mar. 16, 1945;  
11:35 a.m.]

[S. O. 294]

UNLOADING OF CHILI PEPPERS AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of March, A. D. 1945.

It appearing, that car C&NW 65566 containing chili peppers at Los Angeles, California, on a team track of the Southern Pacific Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Chili peppers at Los Angeles, California, be unloaded. (a) The Southern Pa-

cific Company, its agents or employees, shall unload forthwith car C&NW 65566 containing chili peppers now on hand at Los Angeles, California, consigned order—notify Gonzales and Blanco.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such car has been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 45-4207; Filed, Mar. 16, 1945;  
11:33 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 662, Amdt.]

ANNA STROMEYER, ET AL.

In re: Real properties situated in the State of Texas, bank accounts and a coin collection owned by Anna Stromeyer, Meta Eyl and Hans Eyl.

Vesting Order Number 662, dated January 12, 1943, as amended, is hereby further amended as follows and not otherwise:

By deleting subparagraph (7) from Exhibit A, attached thereto and made a part thereof and substituting therefor subparagraph (7) of Exhibit A, which is attached hereto and made a part herof.

All other provisions of said Vesting Order Number 662, as amended, and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 7, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

EXHIBIT A

(7) The following described lands in Hardin County, Texas, to wit: A tract out of the S. Jackson Survey consisting of .25 acres known as Lots Nos. 9-10-11-12-20 and 21 of the Texas Star & Land Subdivision of the Ambrose Jackson 50-acre tract in the S. Jackson Survey, Hardin County, Texas.

[F. R. Doc. 45-4204; Filed, Mar. 16, 1945;  
10:47 a. m.]

[Vesting Order 4681]

WILLIAM LINDBERG

In re: Trust under the will of William Lindenberg, deceased; File D-28-7816; E. T. sec. 8392.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Erna Manske, Elrica Manske, Selma Most, and Paul Most, heirs of the body of Erna Manske, names unknown, and heirs of the body of Selma Most, names unknown, and each of them, in and to the Trust under the Will of William Lindenberg, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erna Manske, Germany.

Elrica Manske, Germany.

Selma Most, Germany.

Paul Most, Germany.

Heirs of the body of Erna Manske, names unknown, Germany.

Heirs of the body of Selma Most, names unknown, Germany.

That such property is in the process of administration by Ruth Lindenberg Dreifus, 3978 Warwick Avenue, Cincinnati, Ohio, as Trustee of the Trust under the Will of William Lindenberg, deceased, acting under the judicial supervision of the Probate Court of Hamilton County, Cincinnati, Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4190; Filed, Mar. 16, 1945;  
10:45 a. m.]

[Vesting Order 4682]

MARGARET C. RINGWOOD, ET AL.

In re: Margaret C. Ringwood vs. Liesel Lindhorst Gribble, et al. File D-28-3857; E. T. sec. 6601.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: (a) An undivided 41/144ths interest in and to the following described real property:

The Easterly 25 feet of the Westerly 50 feet of Lots 9, 10, 11 and 12 of Block 110, Ellis Division to the City of Ashland, Wisconsin, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, also

(b) All right, title, interest and claim of any kind or character whatsoever of Christel Schmidt (also known as Christiane Schmidt), Elisabeth Amalie Schrader (also known as Elisabeth Schrader), Herman Heinrich Theodor Christ (also known as Herman Christ), Louise Elise Christiane von Holst (also known as Elise von Holst and as Elisabeth von Holst), Wilhelmine Maria Frieda Schmidt (also known as Frieda Schmidt), Ludwig Heinrich Friedrich Christ (also known as Heinrich Christ) and Oskar Julius Carl Christ (also known as Oskar Christ), and each of them, in and to the net income and increment thereof, heretofore set apart and held for distribution by Walter E. Nyhus, Receiver, pursuant to order of court, arising from the ownership of the real property above described and made the subject of a partition suit entitled "Margaret C. Ringwood -vs- Liesel Lindhorst Gribble, et al." in the Circuit Court for Ashland County, Wisconsin,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Christel Schmidt (also known as Christiane Schmidt), Germany.

Elisabeth Amalie Schrader (also known as Elisabeth Schrader), Germany.

Hermann Heinrich Theodor Christ (also known as Hermann Christ), Germany.

Louise Elise Christiane von Holst (also known as Elise von Holst and Elisabeth von Holst), Germany.

Wilhelmine Maria Frieda Schmidt (also known as Frieda Schmidt), Germany.

Ludwig Heinrich Friedrich Christ (also known as Heinrich Christ), Germany.

Oskar Julius Carl Christ (also known as Oskar Christ), Germany.

That such property is in the process of administration by Walter E. Nyhus, c/o Northern State Bank, Ashland, Wisconsin, as Receiver, in the case of Margaret C. Ring-

wood vs. Liesel Lindhorst Gribble, et al., acting under the judicial supervision of the Circuit Court, Ashland County, Wisconsin;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4191; Filed, Mar. 16, 1945;  
10:45 a. m.]

[Vesting Order 4683]

JOSEPH SCHULTE

In re: Estate of Joseph Schulte, deceased; File D-28-7742; E. T. sec. 8501.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Otto Schulte, Henry Schulte and Marie Schulte, and each of them, in and to the estate of Joseph Schulte, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Otto Schulte, Germany.

Henry Schulte, Germany.

Marie Schulte, Germany.

That such property is in the process of administration by Richard Schulte, 6405 S. Artesian Avenue, Chicago, Illinois, as Executor of the Estate of Joseph Schulte, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4192; Filed, Mar. 16, 1945;  
10:45 a. m.]

[Vesting Order 4684]

VALENTIN SCHWARZ

In re: Estate of Valentin Schwarz, deceased; File No. D-6-1152; E. T. sec. 11271.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Schwarz, Mary Schwarz and Blasius Schwarz, and each of them, in and to the Estate of Valentin Schwarz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Anna Schwarz, Kartenberg, Karten near Groiz, Germany (Austria).  
 Mary Schwarz, Kartenberg, Karten near Groiz, Germany (Austria).  
 Blasius Schwarz, Kartenberg, Karten near Groiz, Germany (Austria).

That such property is in the process of administration by Emma Schwarz, Administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country; Germany;

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4193; Filed, Mar. 16, 1945;  
 10:45 a. m.]

[Vesting Order 4685]

ISABEL STADLINGER

In re: Estate of Isabel Stadlinger, deceased; File D-28-7750; E. T. sec. 8351.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Kathrina

Kramer and children of Johann Niedermueller, brother of Isabel Stadlinger, deceased, names unknown, and each of them, in and to the estate of Isabel Stadlinger, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Kathrina Kramer, Germany.

Children of Johann Niedermueller, brother of Isabel Stadlinger, deceased, names unknown, Germany.

That such property is in the process of administration by The First Trust and Savings Bank, Zanesville, Ohio, as executor of the estate of Isabel Stadlinger, deceased, acting under the judicial supervision of the Probate Court for the County of Muskingum, State of Ohio;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4194; Filed, Mar. 16, 1945;  
 10:45 a. m.]

[Vesting Order 4686]

JOHN SVOZIL

In re: Estate of John Svozil, deceased; File D-34-803; E. T. sec. 12409.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Mészáros Ferenczé in and to the Estate of John Svozil, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

*National and Last Known Address*

Mrs. Mészáros Ferenczé, Hungary.

That such property is in the process of administration by Joseph Svozil, as administrator, acting under the judicial supervision of the Orphans' Court of Bucks County, Doylestown, Pennsylvania;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
*Alien Property Custodian.*

[F. R. Doc. 45-4195; Filed, Mar. 16, 1945;  
 10:46 a. m.]

[Vesting Order 4687]

JOSEFA TSCHIRF

In re: Estate of Josefa Tschirf, also known as Josephine Tschirf, deceased, File D-6-1179; E. T. sec. 12302.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mariane Heibal Reigler, Gisela Boesl and Elsa Payr, and each of them, in and to the estate of Josefa Tschirf, also known as Josephine Tschirf, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Mariane Heibal Reigler, Germany (Austria).

Gisela Boesl, Germany (Austria).

Elsa Payr, Germany (Austria).

That such property is in the process of administration by Cornelius M. Klein, as Executor, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-4196; Filed, Mar. 16, 1945;  
10:46 a. m.]

[Vesting Order 4688]

JOHN M. TIENKEN

In re: Trust under the will of John M. Tienken, deceased; File No. D-28-3379; E. T. sec. 1152.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Wohitmann Fuhrken in and to the trust created under the last will and testament of John M. Tienken, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Martha Wohitmann Fuhrken, Germany.

That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-4197; Filed, Mar. 16, 1945;  
10:46 a. m.]

[Vesting Order 4689]

DOROTHEE VON PENTZ

In re Guardianship estate of Dorothee von Pentz, minor; File F-28-12560; E. T. sec. 3343-B.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Dorothee von Pentz in and to the Guardianship Estate of Dorothee von Pentz, Minor,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*Nation and Last Known Address*

Dorothee von Pentz, Germany.

That such property is in the process of administration by First Trust Company of Saint Paul State Bank, W-555 First National Bank Building, Saint Paul, Minnesota, as Guardian of the estate of Dorothee von Pentz, Minor, acting under the judicial supervision of the Probate Court of Ramsey County, State of Minnesota;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-4198; Filed, Mar. 16, 1945;  
10:46 a. m.]

## FEDERAL REGISTER, Saturday, March 17, 1945

[Vesting Order 4690]

BARBARA VON PENTZ

In re: Guardianship estate of Barbara von Pentz, minor; File F-28-12560; E. T. sec. 3343-A.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Barbara von Pentz in and to the Guardianship Estate of Barbara von Pentz, Minor

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

## National and Last Known Address

Barbara von Pentz, Germany.

That such property is in the process of administration by First Trust Company of Saint Paul State Bank, W-555 First National Bank Building, Saint Paul, Minnesota, as Guardian of the estate of Barbara von Pentz, Minor, acting under the judicial supervision of the Probate Court of Ramsey County, State of Minnesota;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.[F. R. Doc. 45-4199; Filed Mar. 16, 1945;  
10:46 a. m.]

[Vesting Order 4691]

FIRST TRUST CO. OF ST. PAUL STATE BANK, ET AL.

In re: First Trust Company of Saint Paul State Bank, a corporation, as Trustee under the Last Will and Testament of Bertha von Quast, deceased, Plaintiff vs. Thomas Leslie Wann, Jr., Edith Wann Brooks, Eleanor Wann Freeman, Barbara von Pentz and Dorothee von Pentz, defendants; File F-28-12560; E. T. sec. 3343-D.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: The sum of \$1,290.60 in the possession and custody of Vern L. Berryman, Referee of the District Court of the Second Judicial District, Ramsey County, Minnesota, pursuant to order entered on February 9, 1944, by the said Court, in the matter of the partition suit entitled "First Trust Company of Saint Paul State Bank, a corporation, as Trustee under the Last Will and Testament of Bertha von Quast, deceased, Plaintiff vs. Thomas Leslie Wann, Jr., et al." Case No. 248,913.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

## National and Last Known Address

Dorothee von Pentz, Germany.  
Barbara von Pentz, Germany.

That such property is in the process of administration by Vern L. Berryman, 301 Endicott Building, St. Paul 1, Minnesota, as Referee of the partition suit entitled "First Trust Company of Saint Paul State Bank, a corporation, as Trustee under the Last Will and Testament of Bertha von Quast, deceased, Plaintiff vs. Thomas Leslie Wann, Jr., Edith Wann Brooks, Eleanor Wann Freeman, Barbara von Pentz and Dorothee von Pentz, Defendants," acting under the judicial supervision of the District Court of the Second Judicial District, of Ramsey County, Minnesota (Number 248913);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.[F. R. Doc. 45-4200; Filed, Mar. 16, 1945;  
10:46 a. m.]

[Vesting Order 4692]

FIRST TRUST CO. OF ST. PAUL STATE BANK, ET AL.

In re: First Trust Company of Saint Paul State Bank, a corporation, as Trustee under the Last Will and Testament of Bertha von Quast, deceased, Plaintiff, vs. Thomas Leslie Wann, Jr., Edith Wann Brooks, Eleanor Wann Freeman, Barbara von Pentz and Dorothee von Pentz, defendants; File F-28-12560; E. T. sec. 3343-E.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: The sum of \$2,752.10 in the possession and custody of Vern L. Berryman, Referee of the District Court of the Second Judicial District, Ramsey County, Minnesota, pursuant to order entered on May 31, 1944, by the said Court, in the matter of the partition suit entitled "First Trust Company of Saint Paul State Bank, a corporation, as Trustee under the Last Will and Testament of Bertha von Quast, deceased, Plaintiff vs. Thomas Leslie Wann, Jr., et al." Case No. 250,199,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

## National and Last Known Address

Dorothee von Pentz, Germany.  
Barbara von Pentz, Germany.

That such property is in the process of administration by Vern L. Berryman, 301 Endicott Building, St. Paul 1, Minnesota, as Referee in the matter of the partition suit entitled "First Trust Company of Saint Paul State Bank, a corporation, as Trustee under the Last Will and Testament of Bertha von Quast, deceased, Plaintiff vs. Thomas Leslie Wann, Jr., Edith Wann Brooks, Eleanor Wann Freeman, Barbara von Pentz and Dorothee von Pentz, Defendants," acting under the judicial supervision of the District Court of the Second Judicial District, Ramsey County, Minnesota; (250199);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 28, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-4201; Filed, Mar. 16, 1945;  
10:47 a. m.]

[Vesting Order 4727]

PHOENIX SHIPPING CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation, finding:

1. That all of the issued and outstanding capital stock of Phoenix Shipping Co., Inc., a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 5 shares of common stock without par value, registered in the name of Mrs. Edna S. Schmidt, is beneficially owned by the partnership, Max Gruenhut, and is evidence of ownership and control of Phoenix Shipping Co., Inc.;

2. That the partnership, Max Gruenhut, whose principal place of business is in Hamburg, Germany, is a national of a designated enemy country (Germany);

3. That Berthold Schroeder has a claim against Phoenix Shipping Co., Inc., which is represented on the books and records of Phoenix Shipping Co., Inc., as a loan payable in the amount of \$11,028.82, as of December 31, 1942, subject, however, to any accruals or deductions thereafter, and represents an interest in Phoenix Shipping Co., Inc.;

4. That Berthold Schroeder, whose last known address is Hamburg, Germany, is a national of a designated enemy country (Germany);

and determining;

5. That Phoenix Shipping Co., Inc., is controlled by Max Gruenhut and Berthold Schroeder, or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a na-

tional of a designated enemy country (Germany);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 5 shares of common stock without par value, of Phoenix Shipping Co., Inc., hereinbefore more fully described, and the interest of Berthold Schroeder in Phoenix Shipping Co., Inc., more fully described in subparagraph 3 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 7, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-4202; Filed, Mar. 16, 1945;  
10:47 a. m.]

[Vesting Order 4737]

ALFRED J. ULMAN

In re: Trust under the will of Alfred J. Ulman, deceased; D-28-7733; E. T. sec. 8111.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Halli Aziz von Scheidt, Omar von Scheidt, and the descendants, names unknown, of Aziza Sabit von Scheidt, and each of them, in and to the trust created under the will of Alfred J. Ulman, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hall Aziz von Scheidt, Germany.

Omar von Scheidt, Germany.

Descendants, names unknown, of Aziza Sabit von Scheidt, Germany.

That such property is in the process of administration by Safe Deposit and Trust Company of Baltimore, as succeeding trustee, acting under the judicial supervision of the Circuit Court of Baltimore City, Baltimore, Maryland;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on March 9, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-4203; Filed, Mar. 16, 1945;  
10:47 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Order 172]

A. B. STOVES, INC.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered*:

(a) This order establishes maximum prices for resales of the Model No. 43-156E electric cooking range manufactured by A. B. Stoves, Inc., Battle Creek, Michigan, as follows:

(1) For sales in each zone by wholesale distributors to retailers, the maximum prices including federal excise tax, but not including any local sales taxes, are those set forth below:

	Zone 1	Zone 2	Zone 3	Zone 4
For sales in quantities of 1 to 4 units	\$60.70	\$61.51	\$62.60	\$63.63
For sales in quantities of 5 or more units	58.45	59.23	60.28	61.26

These maximum prices are f. o. b. distributors' city and are subject to each seller's customary terms, allowances, and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retailers to ultimate consumers the maximum prices, including federal excise tax, but not including any local sales taxes, are those set forth below:

Zone 1	Zone 2	Zone 3	Zone 4
\$94.50	\$95.75	\$97.50	\$99.25

These maximum prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order, A. B. Stoves, Inc., and each wholesale distributor shall notify the purchaser of the maximum prices and conditions established by this order for resalers by the purchaser. This notice may be given in any convenient form. In addition, A. B. Stoves, Inc., shall, before delivering any Model No. 43-156E electric range after the effective date of this order, attach securely to the front of each range a tag or label which plainly states the maximum retail price established by this order for sales to ultimate consumers in each zone. Local sales taxes, if any, may be separately stated on the tag or label. It shall also contain a list of the states included in each zone. This tag or label may not be removed until after the range has been sold to an ultimate consumer.

(c) Within thirty days after the effective date of this order, A. B. Stoves, Inc., and every wholesale distributor who has made sales and deliveries of any of these stoves within the 60 days next preceding the effective date of this order must also notify every purchaser for resale to whom such sale was made of the maximum prices established by this order. Upon

receipt of such notice, every purchaser for resale who still retains any stoves so sold to him in his stock must attach to such stove a tag or label such as is required in paragraph (b) of this order.

(d) For the purposes of this order, Zones 1, 2, 3, and 4 comprise the following states:

Zone 1: Wisconsin, Illinois, Indiana, Ohio, Michigan.

Zone 2: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, Georgia, North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Kentucky, Tennessee, Pennsylvania, Minnesota, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, and the District of Columbia.

Zone 3: Montana, Wyoming, Colorado, New Mexico, Texas, Florida.

Zone 4: Washington, Idaho, Oregon, California, Nevada, Arizona, Utah.

(e) This order may be revoked and amended by the Price Administrator at any time.

(f) This order shall become effective on the 16th day of March 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4150; Filed, Mar. 15, 1945;  
11:53 a. m.]

[MPR 260, Order 661]

## HUDSON COUNTY TOBACCO CO.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Hudson County Tobacco Co., 84 Montgomery St., Jersey City 2, N. J. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum	Maximum
			list price	retail price
El Matul	Corona Extra Large		Per M	
	Senadores	25	\$297.00	\$0.39
	Orientales	25	250.00	3 for 1.00
	Corona	25	262.50	.35
	Nacionales	25	247.50	.33
	Reines	25	195.00	.25
	Perfectos	25	203.25	.28
	Petit Cetros	25	246.25	.33
	Petit Coronas	25	176.00	.22
	Comandos Corona-Shape	50	203.25	.28
	Comandos Perfecto-Shape	25	161.50	.20
	Conchas	50	170.00	.22
	Panatelas	50	145.00	3 for .55
	Habaneros	25	154.00	3 for .55
			25	.22

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced.

If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the

same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 16, 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4166; Filed, Mar. 15, 1945;  
11:55 a. m.]

[MPR 260, Order 662]

## BIG THREE CIGAR FACTORY

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Big Three Cigar Factory, 1813 7 Ave., Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or front-mark	Packing	Maximum list price	Maximum retail price
Roy & Trujillo	Coronas.....	50	Per M \$82.50	Cents 11
	Corona Special	50	97.50	13

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in

the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 16, 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4167; Filed, March 15, 1945;  
11:55 a. m.]

[MPR 260, Order 663]

## FUMA TAMPA CIGAR FACTORY

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Fuma Tampa Cigar Factory, 1103 North America St., Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or front-mark	Packing	Maximum list price	Maximum retail price
Fuma Tampa	Coronas.....	50	Per M \$60.00	Cents 2 for 15
	Panetela Superior	50	82.50	11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in

facturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(d) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(e) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 16, 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4168; Filed, Mar. 15, 1945;  
11:55 a. m.]

[MPR 260, Order 664]

## SEVERINO PEREZ CIGAR FACTORY

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Severino Perez Cigar Factory, 1410 13th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(b) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in

facturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 16, 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4169; Filed, Mar. 15, 1945;  
11:55 a. m.]

cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 16, 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4169; Filed, Mar. 15, 1945;  
11:56 a. m.]

[MPR 260, Order 665]

BONDMARK CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Bondmark Cigar Co., 84 Forsyth Street, New York, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or

frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Illustro	Commodores	50	Per M \$115	Cents 15
Prince Robert	Babies	50	32	4
El Fino	Roosevelts	50	75	10
Illustro	Presidents	50	141	3 for 55
	Nacionales	50	141	3 for 55

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The no-

tice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 16, 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4170; Filed, Mar. 15, 1945;  
11:56 a. m.]

[MPR 120, Order 1320]

ALLIANCE CLAY PRODUCT CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a), (6) of Maximum Price Regulation No. 120, *It is ordered*:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 4. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

THE ALLIANCE CLAY PRODUCT COMPANY, ALLIANCE, OHIO, ALLIANCE MINE, NO. 5 SEAM, MINE INDEX NO. 4048, MAHONING COUNTY, OHIO, SUBDISTRICT 4 AND 4C,<sup>1</sup> STRIP MINE, RAIL SHIPPING POINT: ALLIANCE, OHIO

	Size group Nos.												
	1	2	3	3A	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel	325	325	310	310	310	310	290	250	240	260	235	-----	290
Truck shipment	385	385	385	345	345	305	305	270	260	305	-----	-----	305

<sup>1</sup> For truck shipment.

THE AMERICAN COAL COMPANY, N. LINDEN AVE., C/O TILE STA., ZANESVILLE, OHIO, NO. 1 MINE, NO. 6 SEAM, MINE INDEX NO. 4122, MORGAN COUNTY, OHIO, SUBDISTRICT 6, DEEP MINE, RAIL SHIPPING POINT: MCLUNNEY, OHIO

	Size group Nos.												
	1	2	3	3A	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel	325	325	295	295	295	295	285	245	245	250	-----	-----	250
Truck shipment	360	360	360	320	320	265	265	230	230	265	-----	-----	265

J. A. CROW COAL COMPANY, SOUTH MARKET ST., MCARTHUR, OHIO, J. A. CROW MINE, NO. 4 AND/OR NO. 6 SEAM, MINE INDEX NO. 4008, VINTON COUNTY, OHIO, SUBDISTRICT 7, STRIP MINE, RAIL SHIPPING POINT: MCARTHUR, OHIO

Rail shipment and railroad fuel	345	345	315	315	315	315	285	255	245	275	245	-----	285
Truck shipment	375	375	375	335	335	265	265	240	230	265	-----	-----	265

JOHN GABOR, BOX 227, MCARTHUR, OHIO, JOHN GABOR #2 MINE, NO. 8 SEAM, MINE INDEX NO. 4121, MEIGS COUNTY, OHIO, SUBDISTRICT 8, STRIP MINE, RAIL SHIPPING POINT: POMEROY, OHIO

Rail shipment and railroad fuel	325	325	295	295	295	295	285	245	245	250	210	-----	280
Truck shipment	375	375	375	335	335	265	265	240	230	265	-----	-----	265

GOODIN MINES, C/O RALPH YOST, BOX 202, NEW LEXINGTON, OHIO, NO. 1 MINE, NO. 6 SEAM, MINE INDEX NO. 4125, PERRY COUNTY, OHIO, SUBDISTRICT 5, STRIP MINE, RAIL SHIPPING POINT: CARRINGTON, OHIO

Rail shipment and railroad fuel	365	365	325	325	325	325	305	280	270	305	245	-----	305
Truck shipment	390	390	390	350	350	290	290	250	240	290	-----	-----	290

GRANT COLLIERIES, INC., 1212 SWETLAND BLDG., CLEVELAND 15, OHIO, NEWELL #2 MINE, NO. 8 SEAM, MINE INDEX NO. 4123, JEFFERSON COUNTY, OHIO, SUBDISTRICT 1, STRIP MINE, RAIL SHIPPING POINT: HOFEDALE, OHIO

Rail shipment and railroad fuel	305	305	285	285	285	285	285	270	235	225	260	210	-----	270
Truck shipment	350	350	350	310	310	280	280	255	245	280	-----	-----	-----	280

JONES MOTOR SALES, INC., C/O THE MUSKINGUM COAL CO., ZANESVILLE, OHIO, MISCO MINE, NO. 6 SEAM, MINE INDEX NO. 4120, PERRY COUNTY, OHIO, SUBDISTRICT 6, DEEP MINE, RAIL SHIPPING POINT: MISCO, OHIO

Rail shipment and railroad fuel	325	325	295	295	295	295	285	245	245	250	-----	-----	250
Truck shipment	360	360	360	320	320	265	265	230	230	265	-----	-----	265

THE REND-MAR COAL COMPANY, CORNING, OHIO, BLACK DIAMOND STRIP MINE, NO. 8 SEAM, MINE INDEX NO. 4124, ATHENS COUNTY, OHIO, SUBDISTRICT 5, STRIP MINE, RAIL SHIPPING POINT: LATHROP, OHIO

Rail shipment and railroad fuel	365	365	325	325	325	325	305	280	270	305	245	-----	305
Truck shipment	390	390	390	350	350	290	290	250	240	290	-----	-----	290

UNITED COAL STRIPPING COMPANY, 6830 BEAVER AVE., CLEVELAND 4, OHIO, UNITED NO. 1 MINE, NO. 6 SEAM, MINE INDEX NO. 4050, PERRY COUNTY, OHIO, SUBDISTRICT 6, STRIP MINE, RAIL SHIPPING POINT: MCLUNNEY, OHIO

Rail shipment and railroad fuel	325	325	295	295	295	295	285	245	245	250	210	-----	250
Truck shipment	360	360	360	320	320	265	265	230	230	265	-----	-----	265

NOTE: The subdistrict numbers listed herein for the coals of the foregoing mines apply for all methods of transportation unless otherwise indicated.

This order shall become effective March 16, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4161; Filed, Mar. 15, 1945;  
11:54 a. m.]

[MPR 188, Rev. Order 3261]

CERTAIN ARTICLES OF UPHOLSTERED FURNITURE

APPROVAL OF MAXIMUM PRICES

Order No. 3261 under Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14, it is ordered:

#### Part 1—Scope of Order

(a) **Articles covered.** This order applies to all articles of upholstered household furniture (other than dual purpose sleeping equipment) covered with a fabric which is not furnished by the "manufacturer".

(b) **Meaning of terms.** For the purpose of this order:

(1) A "manufacturer" is the person who furnishes all or substantially all of the materials used in the article except the cover fabric.

(2) A "retailer" is the person other than the "manufacturer" who sells the article to an ultimate consumer.

(3) A "wholesaler" is the person other than the "manufacturer" who sells the article to a purchaser for resale.

(4) A person is deemed to have furnished the cover fabric if he (or another person for his account) supplied it to the "manufacturer" either on his own behalf or on behalf of another for application to the article of upholstered furniture.

#### Part 2—Manufacturers' Maximum Prices

(c) **Manufacturers' maximum prices.**

(1) For sales and deliveries by the "manufacturer" the maximum price is his maximum price for sales of the article covered with the "customer's own material", properly established prior to the effective date of this revised order in accordance with the pricing provisions of Maximum Price Regulation No. 188.

(2) If the "manufacturer" does not have such an established maximum price, then his maximum price for sales of the article covered with the "customer's own material" is the same as his maximum price for the article when it is covered with the lowest cost grade of cover fabric which he offered for delivery during March 1942, provided that such cost does not exceed 40¢ per yard of 54 inch wide fabric.

(3) If the "manufacturer's" lowest cost grade of cover fabric offered during March 1942 exceeds 40¢ per yard of 54 inch wide fabric, then his maximum price for sales of the article covered with the "customer's own material" is the price determined and reported under the Third Pricing Method, § 1499.157 of Maximum Price Regulation No. 188, by using only one comparable article. The comparable article for this purpose shall be the same article as the article being priced when covered with the lowest cost grade of cover fabric offered for sale by the manufacturer during March 1942. The cost of the article being priced for this purpose shall be computed as if a cover fabric costing 40¢ per yard were used.

(4) If the "manufacturer" cannot determine his maximum price for sales of the article covered with the "customer's own material" as otherwise provided in this paragraph (c), he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for sales of articles covered by this order.

(5) If the "manufacturer" sells an article covered by this order directly to an ultimate consumer to whom he also sold the upholstery fabric separately, and he was not, during March 1942, engaged in the business of selling upholstery fabric separately by the yard, his maximum price for sales of the article covered with the "customer's own material" is his maximum price for sales of the completed article (as if he owned the cover fabric) less the amount which he charged for the cover fabric.

Part 3—Maximum Prices of "Retailers" and "Wholesalers"

(d) "Retailers" and "wholesalers" who did not sell upholstery fabrics separately during March 1942. (1) If the

"retailer" or "wholesaler" during March 1942, was not engaged in the business of selling upholstery fabrics separately by the yard and the cover fabric is owned by the seller then:

*Rule 1:* The seller's maximum price for a completed article to which this order applies, is the highest price he charged during March 1942 for the same article; or

*Rule 2:* If he did not make a delivery or offer for delivery of the same article during March 1942, then his maximum price is the price determined according to the method and procedure set forth in § 1499.3 (a) of the General Maximum Price Regulation, using as his "cost" of the completed article an amount no higher than the total of his supplier's maximum price for the article when covered with "customer's own material" plus the cost of the cover fabric computed as follows:

(i) If the cover fabric was purchased from the fabric manufacturer or from the converter, the cost of the cover fabric is the amount paid for the cover fabric.

(ii) If it was purchased from any other seller who certifies that he has filed his maximum price for the fabric with the Office of Price Administration, Washington, D. C. (as required by Maximum Price Regulation No. 39) and gives the date of such filing, the cost of the cover fabric is 75 percent of the amount paid for the cover fabric.

(iii) If it was purchased from any other seller, the cost of the cover fabric is 50 percent of the amount paid for the cover fabric.

*Rule 3:* If the seller's maximum price cannot be determined under the preceding provisions, then his maximum price is the price approved by the Office of Price Administration according to the method and procedure set forth in § 1499.3 (c) of the General Maximum Price Regulation upon application setting forth as the cost of the completed article the amount specified in Rule 2 above.

(2) If the cover fabric is owned by the ultimate consumer, but it was purchased from the same "retailer" the "retailer's" maximum price for the article when covered with such fabric is the same as his maximum price for the completed article, computed as if the "retailer" owned the fabric, less the amount he charged for the cover fabric. Likewise, the "wholesaler's" maximum price for sales of the article to the person to whom he also sold the cover fabric is his maximum price for the completed article determined as if he owned the cover fabric, less the amount which he charged for the cover fabric.

(3) If the cover fabric is owned by the ultimate consumer who did not purchase the cover fabric from the same "retailer", then the "retailer's" maximum price is the price determined as provided in Rules 1, 2 or 3 above (whichever is applicable) using as the cost of the article an amount no greater than his supplier's maximum price for the article when covered with the "customer's own material". The "wholesaler's" maximum price for the article when covered with fabric which he does not own and which he did not sell to the purchaser, is the price computed in the same manner.

(e) "Retailers" and "wholesalers" who sold upholstery fabrics separately during March 1942. If the "retailer" or "wholesaler" during March 1942 was engaged in the business of selling upholstery fabrics separately by the yard:

(1) The seller's maximum price for the article when covered with the "customer's own material" is the maximum price determined under Rules 1, 2 or 3 in paragraph (d) above (whichever is applicable) using as the "cost" an amount no higher than his supplier's maximum price for sales of the article when covered with the "customer's own material".

(2) The seller's maximum price for the completed article if he owns the fabric is the sum of the maximum price for the article when covered with the "customer's own material" and his maximum price for the upholstery fabric.

(f) *Maximum prices for upholstery fabrics.* The "retailer's" maximum price for upholstery fabric sold separately by the yard is the price properly established in accordance with the General Maximum Price Regulation, and the "wholesaler's" maximum price for upholstery fabric sold separately by the yard is the price properly established in accordance with Maximum Price Regulation No. 39, or other applicable regulation.

(g) *Delegation of authority.* The Price Administrator, or any Regional Administrator, or any District Director so authorized by his Regional Administrator may at any time approve or disapprove maximum prices reported, or proposed under Rules 1, 2 or 3 in paragraph (d) above and may at any time revise maximum prices established under those rules so as to bring them in line with the level of maximum prices established for sales of similar articles of upholstered furniture.

(h) This revised order shall become effective on the 19th day of March 1945.

Issued this 15th day of March 1945.

JAMES G. ROGERS, Jr.,  
Acting Administrator.

[F. R. Doc. 45-4185; Filed, Mar. 15, 1945;  
4:34 p. m.]

[MPR 188, Rev. Order 2546]

J. V. BEAUCHEMIN AND SONS CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by J. V. Beauchemin and Sons Company, Rear 17 Jean Street, Gardner, Massachusetts.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Child's base rocker...	1001	\$3.66	\$4.30
Rocker.....	1002	2.85	3.35
3-piece set.....	1003	10.39	13.40

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 2, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158 of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 16th day of March 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4164; Filed, Mar. 15, 1945;  
11:54 a. m.]

[MPR 188, Order 3431]

CRIB BED CO. OF AMERICA

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Crib Bed Company of America, 1604 Chestnut Avenue, Brooklyn, New York.

(1) For all sales and deliveries to the sellers indicated below, the maximum following classes of purchasers by the prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Youth bed with spring		Each \$11.22	Each \$13.20

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated December 4, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 16th day of March 1945.

Issued this 15th day of March 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-4165; Filed, Mar. 15, 1945;  
11:55 a. m.]

[MPR 132, Order 3]

RUBBER FOOTWEAR

AUTHORIZATION OF MAXIMUM PRICES

NOTE: A correction to the opinion accompanying Order No. 3 under Maximum Price Regulation No. 132 was filed with the Division of the Federal Register as F. R. Doc. 45-4162 on March 15, 1945, at 11:54 a. m.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register March 9, 1945.

REGION II

Binghamton Order 2-F, Amendment 20, covering fresh fruits and vegetables in certain counties in the State of New York, filed 12:14 p. m.

Newark Order 5-F, Amendment 21, covering fresh fruits and vegetables in certain counties in New Jersey, filed 12:14 p. m.

Newark Order 6-F, Amendment 8, covering fresh fruits and vegetables in certain counties in New Jersey, filed 12:16 p. m.

Trenton Order 7-F, Amendment 23, covering fresh fruits and vegetables in certain counties in New Jersey, filed 12:14 p. m.

Williamsport Order 2-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 12:14 p. m.

REGION III

Cincinnati Order 4-F, Amendment 6, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 12:24 p. m.

Cincinnati Order 5-F, Amendment 6, covering fresh fruits and vegetables in certain counties in the State of Ohio, filed 12:24 p. m.

Cleveland Order F-1, Amendment 27, covering fresh fruits and vegetables in Cuyahoga County, Ohio, filed 12:25 p. m.

Cleveland Order F-3, Amendment 27, covering fresh fruits and vegetables in certain counties in Ohio, filed 12:24 p. m.

Cleveland Order F-4, Amendment 27, covering fresh fruits and vegetables in certain counties in the State of Ohio, filed 12:25 p. m.

Charleston Order 1-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 2-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 3-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 4-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 5-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 6-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 7-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 8-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 9-A, covering certain food items in the State of West Virginia, filed 12:26 p. m.

Charleston Order 1-B, covering community food pricing in certain areas in the State of West Virginia, filed 12:26 p. m.

Charleston Order 2-B, covering community food pricing in certain areas in the State of West Virginia, filed 12:26 p. m.

Charleston Order 11-C, covering poultry in certain areas in the State of West Virginia, filed 12:27 p. m.

Charleston Order 12-C, covering poultry in certain counties in the State of West Virginia, filed 12:27 p. m.

Lexington Order 15, Amendment 1, covering community food prices in the certain counties in Kentucky, filed 12:26 p. m.

Louisville Order 12-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana, filed 12:26 p. m.

Louisville Order 13-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Kentucky, filed 12:26 p. m.

REGION V

Kansas City Order 1-C, Amendment 3, covering poultry in the Kansas City Area, filed 12:22 p. m.

New Orleans Order 2-W, Amendment 8, covering community food prices in the New Orleans, Louisiana, Area, filed 12:23 p. m.

REGION VI

Quad-Cities Order 3-F, Amendment 18, covering fresh fruits and vegetables in certain counties in Iowa and Illinois, filed 12:23 p. m.

REGION VIII

Presno Order 1-F, Amendment 56, covering fresh fruits and vegetables in the Fresno, California Area, filed 12:28 p. m.

Fresno Order 6-F, Amendment 30, covering fresh fruits and vegetables in the Fresno, California Area, filed 12:22 p. m.

Fresno Order 7-F, Amendment 9, covering fresh fruits and vegetables in the Fresno, California Area, filed 12:22 p. m.

Los Angeles Order 1-C, Amendment 1, covering poultry in the Los Angeles Area, filed 12:20 p. m.

Los Angeles Order 2-C, Amendment 1, covering poultry in the Los Angeles Area, filed 12:20 p. m.

Los Angeles Order 1-F, Amendment 54, covering fresh fruits and vegetables in the San Bernardino-Riverside Area, filed 12:21 p. m.

Los Angeles Order 1-F, Amendment 55, covering fresh fruits and vegetables in the San Bernardino-Riverside Area, filed 12:21 p. m.

Los Angeles Order 1-F, Amendment 56, covering fresh fruits and vegetables in certain areas in California, filed 12:20 p. m.

Nevada Order 6-F, Amendment 10, covering fresh fruits and vegetables in the Reno and Sparks Area, filed 12:18 p. m.

Nevada Order 7-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Nevada, filed 12:19 p. m.

Nevada Order 8-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Nevada, filed 12:19 p. m.

Nevada Order 9-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Nevada, filed 12:19 p. m.

Nevada Order 10-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Nevada, filed 12:20 p. m.

Phoenix Order 4 under 1-B, covering community food prices in the Central Navajo-Apache Area, filed 12:28 p. m.

Phoenix Order 5 under 1-B, covering community food prices in the Southern Navajo-Apache Area, filed 12:27 p. m.

Phoenix Order 1-C, Amendment 1, covering poultry in certain counties in the Phoenix Area, filed 12:28 p. m.

Phoenix Order 1-C, Amendment 2, covering poultry in certain counties in the Phoenix Area, filed 12:23 p. m.

Phoenix Order 11, Amendment 2, covering dry groceries in the Navajo-Hopi Indian Reservation Area, filed 12:22 p. m.

Phoenix Order 17-O, Amendment 2, covering eggs in certain areas in the state of Arizona, filed 12:22 p. m.

San Diego Order 1-F, Amendment 17, covering fresh fruits and vegetables in the San Diego Area, filed 12:21 p. m.

San Francisco Order F-7, Amendment 1, covering fresh fruits and vegetables in certain counties in California, filed 12:18 p. m.

San Francisco Order F-8, Amendment 1, covering fresh fruits and vegetables in certain cities in California, filed 12:18 p. m.

San Francisco Order F-9, Amendment 1, covering fresh fruits and vegetables in certain cities in California, filed 12:18 p. m.

San Francisco Order F-10, Amendment 1, covering fresh fruits and vegetables in certain cities in California, filed 12:17 p. m.

## FEDERAL REGISTER, Saturday, March 17, 1945

San Francisco Order F-11, Amendment 1, covering fresh fruits and vegetables in certain cities in California, filed 12:17 p. m.

San Francisco Order F-12, Amendment 1, covering fresh fruits and vegetables in certain cities in California, filed 12:17 p. m.

Seattle Order 1-W, Amendment 8, covering dry groceries in certain areas in the state of Washington, filed 12:16 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 45-4181: Filed, Mar. 15, 1945;  
4:33 a. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register March 10, 1945.

## REGION II

Binghamton Order 2-F, Amendment 22, covering fresh fruits and vegetables in certain counties in the state of New York, filed 3:49 p. m.

Camden Order 3-F, Amendment 20, covering fresh fruits and vegetables in certain counties in New Jersey, filed 3:55 p. m.

Camden Order 4-F, Amendment 20, covering fresh fruits and vegetables in certain counties in New Jersey, filed 3:55 p. m.

District of Columbia Order 4-F, covering fresh fruits and vegetables in the Washington, D. C., Area, filed 3:49 p. m.

New York Order 9-F, Amendment 1, covering fresh fruits and vegetables in the five boroughs in New York, filed 3:55 p. m.

New York Order 10-F, Amendment 1, covering fresh fruits and vegetables in certain counties in New York, filed 3:56 p. m.

New York Order 11-F, Amendment 1, covering fresh fruits and vegetables in certain counties in New York, filed 3:56 p. m.

Philadelphia Order 6-F, Amendment 18, covering fresh fruits and vegetables in the city and county of Philadelphia, filed 3:51 p. m.

Philadelphia Order 7-F, Amendment 16, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 3:51 p. m.

Philadelphia Order 8-F, Amendment 16, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 3:51 p. m.

Philadelphia Order 9-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 3:51 p. m.

Philadelphia Order 10-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Pennsylvania, filed 3:51 p. m.

Trenton Order 7-F, Amendment 25, covering fresh fruits and vegetables in certain counties in New Jersey, filed 3:52 p. m.

## REGION III

Charleston Order 9-F, Amendment 2, covering fresh fruits and vegetables in certain counties in West Virginia, filed 4:01 p. m.

Charleston Order 10-F, Amendment 2, covering fresh fruits and vegetables in certain counties in West Virginia, filed 4:01 p. m.

Charleston Order 11-F, Amendment 2, covering fresh fruits and vegetables in certain counties in West Virginia, filed 4:02 p. m.

Charleston Order 12-F, Amendment 2, covering fresh fruits and vegetables in certain counties in West Virginia, filed 4:02 p. m.

Charleston Order 13-F, Amendment 2, covering fresh fruits and vegetables in certain counties in West Virginia, filed 4:02 p. m.

Lexington Order 1-F, Amendment 71, covering fresh fruits and vegetables in Fayette County, Ky., filed 4:02 p. m.

Lexington Order 2-F, Amendment 65, covering fresh fruits and vegetables in certain counties in Kentucky, filed 4:03 p. m.

Lexington Order 3-F, Amendment 62, covering fresh fruits and vegetables in Boyd County, Ky., filed 4:03 p. m.

Lexington Order 1-C, Amendment 2, covering poultry in certain counties in the State of Kentucky, filed 4:04 p. m.

Lexington Order 2-C, Amendment 2, covering poultry in certain counties in the State of Kentucky, filed 4:04 p. m.

Lexington Order 3-C, Amendment 2, covering poultry in certain counties in the State of Kentucky, filed 4:04 p. m.

Detroit Order 1-O, Amendment 3, covering eggs in certain counties in the State of Michigan, filed 4:52 p. m.

## REGION IV

Atlanta Order 16, Amendment 4, covering eggs in certain counties in the State of Georgia, filed 4:14 p. m.

Atlanta Order 17, Amendment 4, covering eggs in certain counties in the State of Georgia, filed 4:14 p. m.

Atlanta Order 18, Amendment 4, covering eggs in certain counties in the State of Georgia, filed 4:14 p. m.

Atlanta Order 19, Amendment 4, covering eggs in certain counties in the State of Georgia and Alabama, filed 4:14 p. m.

Atlanta Order 20, Amendment 4, covering eggs in certain counties in the State of Georgia, filed 4:14 p. m.

Atlanta Order 21, Amendment 4, covering eggs in certain counties in the State of Georgia, filed 4:14 p. m.

Atlanta Order 6-F, Amendment 27, covering fresh fruits and vegetables in the Atlanta-Decatur Area, filed 4:10 p. m.

Birmingham Order 1-C, Amendment 1, covering poultry in certain counties in the State of Alabama, filed 4:13 p. m.

Birmingham Order 2-C, Amendment 1, covering poultry in certain counties in the State of Alabama, filed 4:12 p. m.

Columbia Order 18-C, Amendment 2, covering poultry in the South Carolina Area, filed 3:56 p. m.

Memphis Order 6-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Tennessee, filed 4:05 p. m.

Miami Order 2-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Florida, filed 4:05 p. m.

Montgomery Order 1-C, Amendment 2, covering poultry in certain counties in Alabama, filed 4:13 p. m.

Montgomery Order 2-C, Amendment 2, covering poultry in certain counties in Alabama, filed 4:13 p. m.

Montgomery Order 20-F, Amendment 15, covering fresh fruits and vegetables in Mobile County, Ala., filed 4:06 p. m.

Montgomery Order 21-F, Amendment 19, covering fresh fruits and vegetables in Montgomery County, Ala., filed 4:07 p. m.

Montgomery Order 22-F, Amendment 20, covering fresh fruits and vegetables in Houston County, Ala., filed 4:07 p. m.

Montgomery Order 24-F, Amendment 18, covering fresh fruits and vegetables in Dallas County, Ala., filed 4:07 p. m.

Nashville Order 12-F, Amendment 12, covering fresh fruits and vegetables in certain counties in Tennessee and Virginia, filed 3:55 p. m.

Savannah Order 7-F, Amendment 19, covering fresh fruits and vegetables in certain counties in Georgia, filed 4:07 p. m.

Savannah Order 9-F, Amendment 19, covering fresh fruits and vegetables in certain counties in Georgia, filed 4:09 p. m.

Savannah Order 10-F, Amendment 19, covering fresh fruits and vegetables in certain counties in Georgia, filed 4:09 p. m.

## REGION V

Dallas Order 1-F, Amendment 53, covering fresh fruits and vegetables in the Dallas, Tex., Area, filed 4:01 p. m.

Dallas Order 3-F, Amendment 36, covering fresh fruits and vegetables in the Dallas, Tex., Area, filed 4:00 p. m.

Fort Worth Order 1-F, Amendment 59, covering fresh fruits and vegetables in the Fort Worth Area, filed 4:12 p. m.

Fort Worth Order 2-F, Amendment 59, covering fresh fruits and vegetables in the Fort Worth Area, filed 4:12 p. m.

Fort Worth Order 3-F, Amendment 59, covering fresh fruits and vegetables in the Fort Worth Area, filed 4:12 p. m.

Fort Worth Order 4-F, Amendment 59, covering fresh fruits and vegetables in the Fort Worth Area, filed 4:12 p. m.

Fort Worth Order 5-F, Amendment 59, covering fresh fruits and vegetables in the Fort Worth Area, filed 4:11 p. m.

Fort Worth Order 6-F, Amendment 14, covering fresh fruits and vegetables in the Fort Worth Area, filed 4:11 p. m.

Houston Order 1-C, Amendment 3, covering poultry in the Houston, Tex., Area, filed 4:11 p. m.

Houston Order 2-F, Amendment 18, covering fresh fruits and vegetables in the Houston, Tex., Area, filed 4:11 p. m.

Little Rock Order 2-F, Amendment 47, covering fresh fruits and vegetables in the Little Rock Area, filed 4:05 p. m.

Little Rock Order 5-F, Amendment 40, covering fresh fruits and vegetables in the Little Rock Area, filed 4:05 p. m.

Little Rock Order 6-F, Amendment 41, covering fresh fruits and vegetables in the Little Rock Area, filed 4:05 p. m.

Lubbock Order 3-F, Amendment 42, covering fresh fruits and vegetables in the El Paso, Tex., Area, filed 4:00 p. m.

Shreveport Order 2-F, Amendment 53, covering fresh fruits and vegetables in the Shreveport Area, filed 4:10 p. m.

Shreveport Order 3-F, Amendment 42, covering fresh fruits and vegetables in the Shreveport Area, filed 4:10 p. m.

Shreveport Order 5-W, covering community food prices in the Shreveport Area, filed 4:06 p. m.

## REGION VI

Green Bay Order 4-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:59 p. m.

Green Bay Order 5-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:59 p. m.

Green Bay Order 6-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Wisconsin, filed 3:59 p. m.

## REGION VII

Albuquerque Order 18, Amendment 2, covering community food prices in certain areas in New Mexico, filed 3:58 p. m.

Albuquerque Order 19, Amendment 2, covering community food prices in certain areas in New Mexico, filed 3:59 p. m.

## REGION VIII

Fresno Order 2-F, Amendment 44, covering fresh fruits and vegetables in the Fresno, Calif., Area, filed 4:01 p. m.

Phoenix Order 2-W, covering dry groceries in the Coconino-Yavapai Area, filed 3:58 p. m.

Phoenix Order 17-W under 2-B, covering community food prices in the Coconino-Yavapai Area, filed 3:58 p. m.

Sacramento Order O-1, Amendment 4, covering eggs in certain areas in the State of California, filed 3:57 p. m.

Sacramento Order O-2, Amendment 4, covering eggs in certain areas in the State of California, filed 3:57 p. m.

Sacramento Order 29-F under 3-B, covering fresh fruits and vegetables in the Sacramento Area, filed 3:57 p. m.



Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 45-4226; Filed, Mar. 16, 1945;  
11:53 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-57 and 59-57]

#### AMERICAN UTILITIES SERVICE CORP., ET AL. ORDER APPROVING AMENDED PLAN FOR RECAPITALIZATION AND ORDER CONSENTING TO WITHDRAWAL OF OTHER PLANS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of March, 1945.

In the matter of American Utilities Service Corporation, File No. 54-57, and American Utilities Service Corporation and its Subsidiary Companies, Respondents, File No. 59-57.

American Utilities Service Corporation, a registered holding company, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan of recapitalization; and

Proceedings having been instituted by the Commission pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act with respect to American Utilities Service Corporation and its subsidiary companies (Holding Company Act Release No. 3840); and

All the foregoing proceedings having been duly consolidated by order of the Commission; hearings having been held after appropriate notice; and the Commission having been fully advised and having entered its findings and opinion herein on June 21, 1944, with respect to said plan of recapitalization and the said proceedings instituted by the Commission, and having entered its order with respect to American Utilities Service Corporation and its subsidiary companies pursuant to sections 11 (b) (1) and 11 (b) (2) of the act on June 21, 1944 (Holding Company Act Release No. 5114); and

American Utilities Service Corporation having filed an amended plan of recapitalization on February 21, 1945 to conform to the Commission's findings, opinion and order of June 21, 1944; hearings having been held after appropriate notice; and the Commission having this day entered its supplemental findings and opinion and order approving said amended plan for recapitalization; and

Said amended plan providing, among other things, for the following transactions:

(a) The issuance by American Utilities Service Corporation of 105,000 shares of new common stock, \$20 par value, in place of 105,000 shares of presently outstanding 6% cumulative preferred stock and all accumulated and unpaid dividends thereon;

(b) The issuance by American Utilities Service Corporation of 18,541 1/2

shares of new common stock, \$20 par value, in place of 1,112,500 shares of presently outstanding common stock and/or voting trust certificates;

(c) The issuance, transfer and exchange of scrip in lieu of fractional shares of new common stock of American Utilities Service Corporation to the extent necessary to carry out the plan, as amended; and

American having requested that the Commission enter herein its order approving said plan, as amended, and having further requested, pursuant to the provisions of section 11 (e) of the act, that the Commission apply to a court in accordance with the provisions of section 18 (f) of the act to enforce and carry out the terms and provisions of the plan; and

American Utilities Service Corporation having filed a plan of liquidation on the 24th day of November, 1944 and William J. Cranston, Edmond P. Sorg and Fred J. Young, preferred stockholders of American Utilities Service Corporation, having filed a plan of recapitalization on January 1, 1945 on behalf of certain preferred stockholders of said company, and said parties having requested that said plans be considered as withdrawn;

*It is hereby ordered*, pursuant to section 11 (e) of said act, that said plan, as amended, be, and it hereby is, approved, subject to the following terms and conditions:

1. That jurisdiction be, and it hereby is, reserved to the Commission to approve, disapprove, modify, allocate or award by further order or orders all fees and expenses incurred or to be incurred in connection with said amended plan, the transactions incident thereto, and the consummation thereof;

2. That jurisdiction be, and it hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the amended plan, the transactions incident thereto, and the consummation thereof, including the solicitation for the nomination and election of directors at the initial election and all proxies and communications sent to stockholders; and

3. That this order shall not be operative to authorize the consummation of transactions proposed in the amended plan until an appropriate Federal District Court shall, upon application thereto, enter an order enforcing such plan.

*It is further ordered*, That counsel for the Commission be, and they are hereby authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court to enforce and carry out the terms and provisions of the plan, pursuant to the provisions of section 11 (e) and in accordance with the provisions of section 18 (f) of the act and the request duly filed herein by American Utilities Service Corporation.

American having requested that the Commission's order conform to, and set forth the recitals specified in sections 371 and 1808 (f) of the Internal Revenue Code, as amended; and

The Commission finding that the foregoing transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and to make effective the Commission's order herein and are fair and equitable to the persons affected thereby;

*It is further ordered*, That the issuance, transfer and exchange of securities in this order above specified and itemized are necessary or appropriate to effectuate the provisions of section 11 (b) of said act.

*It is further ordered*, That within 30 days after the final effectuation of the plan, the applicant shall file a certificate of notification advising the Commission of the steps which have been taken to consummate the plan.

*It is further ordered*, That the plan of liquidation filed by American Utilities Service Corporation on the 24th day of November, 1944 and the plan of recapitalization filed by the preferred stockholders of American Utilities Service Corporation on January 1, 1945 be deemed to be withdrawn, the Commission consenting to such withdrawals.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-4177; Filed, Mar. 15, 1945;  
4:30 p. m.]

[File No. 54-59]

#### CONSOLIDATED ELECTRIC AND GAS CO. AND THE ISLANDS GAS AND ELECTRIC CO.

#### ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of March, A. D. 1945.

Consolidated Electric and Gas Company, a registered holding company, and its subsidiary, The Islands Gas and Electric Company, all of whose securities are owned by Consolidated, having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 seeking an order of this Commission approving a plan relating to the distribution of the capital stock of Manila Gas Corporation, a direct subsidiary of The Islands Gas and Electric Company, to the holders of the \$6 Cumulative Preferred Stock of Consolidated Electric and Gas Company by way of a partial liquidating dividend; and

Consolidated Electric and Gas Company having filed a request for withdrawal of the application, on the basis of the change in circumstances involving Manila Gas Corporation as the result of the recent recapture from the enemy of the City of Manila, Philippine Islands, wherein the principal properties of Manila Gas Corporation are located; and

It appearing to the Commission that the withdrawal of said application is consistent with the public interest,

*It is ordered*, That the request of Consolidated Electric and Gas Company be,

and hereby is, granted and said application is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 45-4178; Filed, Mar. 15, 1945;  
4:30 p. m.]

[File No. 70-1032]

CRESCENT PUBLIC SERVICE CO. AND CENTRAL OHIO LIGHT & POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March, A. D. 1945.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Crescent Public Service Company, a registered holding company, and its subsidiary, Central Ohio Light & Power Company; and

Notice is further given that any interested person may, not later than March 24, 1945, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application (or both), as filed or as amended, may become effective or may be granted, as provided in Rule U-23 or the Rules and Regulations promulgated pursuant to said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application (or both), which is on file in the office of said Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Central Ohio Light & Power Company proposes to declare and pay out of earned surplus, during the month of April, 1945, a dividend of \$2.50 per share to the holder of its Common Stock, such dividend aggregating \$50,000. All of the Common Stock of Central Ohio Light & Power Company is owned by Crescent Public Service Company. This filing is stated to be made pursuant to section 12 (c) of the act and the Commission's order, dated February 3, 1944 (Holding Company Act Release No. 4872) which provides, in part, that so long as any of the First Mortgage 3½% Bonds, Series A, due February 1, 1974, of Central Ohio Light & Power Company shall be unredeemed and outstanding or until further order of the Commission, no dividend shall be declared or paid on the said common stock except on application to,

and approval by order of, the Commission.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 45-4179; Filed, Mar. 15, 1945;  
4:30 p. m.]

[File No. 70-838]

THE LAKE SHORE GAS CO. AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of March 1945.

Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, The Lake Shore Gas Company ("Lake Shore"), having filed an application-declaration, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the proposed sale of Aelec's entire interest in Lake Shore, the proposed acquisition by Aelec of certain assets of Lake Shore, and related matters; and

The Commission having, on September 15, 1944, after notice and hearing, filed its supplemental order granting and permitting the amended application-declaration to become effective and releasing the jurisdiction theretofore reserved (Holding Company Act Release No. 5293); and

The Commission having, on November 15, 1944 and January 15, 1945, upon the request of applicants-declarants, extended the time for consummating said transactions to and including March 15, 1945; and

The applicants-declarants having, on March 8, 1945, advised the Commission that the parties have been unable to consummate the transactions proposed in said application-declaration within such time, and having requested that the time for such consummation be extended to and including May 15, 1945; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to grant said request:

*It is ordered, That the time for consummating said transactions be, and hereby is, extended to and including May 15, 1945.*

By the Commission.

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 45-4180; Filed, Mar. 15, 1945;  
4:30 p. m.]

WAR PRODUCTION BOARD.

[C-278]

RIVERSIDE LUMBER CO., INC.

CONSENT ORDER

Riverside Lumber Co., Inc., is a wholesale dealer in lumber at 140 West 97th

Street, in the City of New York, with an adjacent lumber yard. Its principal officers and stockholders are Harry Malitz, Benjamin Malitz and Etta Malitz. They are charged by the War Production Board with the following violations: (1) In violation of Priorities Regulation 1, as variously amended, they are charged with having obtained 134,172 boardfeet of softwood lumber with priorities assistance by means of preference ratings and with having used or disposed of such lumber by selling the same not for the purpose for which the priorities assistance was given or in any other permitted manner; (2) In violation of Priorities Regulation 3, as variously amended, they are charged with knowingly purporting to apply or extend preference ratings of AA-2X and AA-1 to purchase orders for softwood lumber under the provisions of Conservation Order M-206, as amended, whereas they were not entitled to do so under that order; (3) In violation of Conservation Order M-208, as amended, they are charged with having sold, shipped, and delivered 134,172 boardfeet of softwood lumber consisting of Ponderosa pine and sugar pine which they knew or had reason to believe would be used by Walter Marshak of 75 Roebling Street, Borough of Brooklyn, City of New York, in violation of Conservation Order M-208; and (4) In violation of Limitation Order L-290, as amended, they are charged with falsely furnishing the certification required to be placed upon their purchase order for restricted Western lumber to their supplier.

The corporation through its principal officers Harry Malitz, Benjamin Malitz, and Etta Malitz, and they individually, were personally familiar with the restrictions and prohibitions of the orders and regulations of the War Production Board above described, and, therefore, their several violations are deemed wilful. They admit the violations as charged and do not care to contest the charge of wilfulness.

Wherefore, upon the agreement and consent of Riverside Lumber Co., Inc., and Harry Malitz, Benjamin Malitz, and Etta Malitz, individually, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Riverside Lumber Co., Inc. and Harry Malitz, Benjamin Malitz, and Etta Malitz, individually, their successors and assigns, shall not sell or deliver any lumber except on orders bearing a preference rating of AA-1 or higher or except on orders from the Post-Graduate Hospital of New York or the New York Port Authority, unless specifically authorized in writing to do so by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Riverside Lumber Co., Inc. and Harry Malitz, Benjamin Malitz, and Etta Malitz, individually, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 15, 1945, and shall expire on December 31, 1945.

Issued this 15th day of March 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-4175; Filed, Mar. 5, 1945;  
4:23 p. m.]

[C-279]

WALTER MARSHAK  
CONSENT ORDER

Walter Marshak is engaged in business at 75 Roebling Street, Borough of Brooklyn, in the City of New York, manufacturing toys and games from wood and other materials. He is charged by the War Production Board with having used 56,172 board-feet of softwood lumber consisting of Ponderosa pine and sugar pine without authorization of the War Production Board and on unrated purchase orders. This was in violation of Conservation Order M-208 as amended September 16, 1943 which specifically forbade use of said softwood lumber without

authorization by the War Production Board and except on purchase orders rated AA-5 or higher. Walter Marshak used this lumber in the making of toys and games. He is further charged with wilful violation in that he was aware of the War Production Board prohibition and restriction. Walter Marshak admits the violation as charged and does not care to contest the charge of wilfulness.

Wherefore, upon the agreement and consent of Walter Marshak, the Regional Compliance Manager and the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) During the period that this order shall be in force and effect as hereinafter provided, Walter Marshak, his successors and assigns, shall not process, fabricate, work on, or assemble any toys or games containing wood, except that for the period of three months from the effective date of this order, he, his successors or assigns, may process, fabricate, work on or assemble toys or games containing plywood, the surface of which does not measure eight square feet, including strips, odd sizes, and scrap resulting from the processing for use of standard panels,

and except that he, his successors or assigns, may assemble into toys or games wooden parts which have been fabricated by others not his employees, agents or other persons acting on his behalf and in his account, unless specifically authorized in writing to do so by the War Production Board. The restrictions and prohibitions contained herein, shall include indirect as well as direct action on the part of Walter Marshak, his successors or assigns.

(b) Nothing contained in this order shall be deemed to relieve Walter Marshak, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 15, 1945, and shall expire on December 31, 1945.

Issued this 15th day of March 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-4176; Filed, Mar. 15, 1945;  
4:23 p. m.]